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CORPORATION FOR THE CITY OF
HAMILTON

PLANNING AND DEVELOPMENT
COMMITTEE

October 8, 1987-



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NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1987 October 14th
2:00 o'clock p.m.
Room 233, City Hall

Susan K. Reeder
Susan K. Reeder
Acting Secretary

SKR:jf

AGENDA

1. Minutes of the meetings held Wednesday, 1987 September 16th, Tuesday, 1987 September 29th
2. Petition from Area Residents re: Delta Tabernacle Church at King Street East and Rosslyn Avenue South
3. Mayor Robert M. Morrow
 - (a) Canadian Urban and Housing Studies Conference - 1988 February 18-20, Winnipeg.
4. Building Commissioner
 - (a) Demolition Permit Applications
5. Director of Community Development
 - (a) Ontario Home Renewal Programme (O.H.R.P.) and Hamilton Rehabilitation Programme (H.A.R.P.)
 - (b) Ontario Home Renewal Programme (O.H.R.P.) (Private and Confidential) (For information)

6. Director of Property

- (a) Purchase by the City - 213 Brant Street - Allan Howard Copeland.
- (b) Purchase by the City - 397/399 Sherman Avenue North - Genevieve Barbara Zaraski
- (c) Purchase by the City - 14 Gerrard Street - Albert Wilson and Marion Wilson
- (d) Purchase by the City - 386 Birch Avenue - Carrier Canada Limited
- (e) Purchase by the City - 13 Gerrard Street - Stella Miksza

7. Department of Engineering

- (a) "Templemead No. 2 Survey - Phase 4", Hamilton (Cash Payment in lieu of 5% Parkland Dedication)
- (b) "Loconder Gardens" Hamilton (Cash Payment in lieu of 5% Parkland dedication)
- (c) "Vignatico Village - Phase 1", Hamilton (Cash Payment in lieu of 5% Parkland Dedication)
- (d) Gilkson Woods Addition - Phase 2 - Grading

8. City Solicitor

- (a) City vs Sam Henson Apartments Ltd., Dr. R. G. Stopps, et. al. - 252, 262, 268 James Street South - The Building Code Act

9. Fire Chief

- (a) Provision of access roads and water supplies for fire protection in areas containing new home construction sites.


10. Chief Administrative Officer

- (a) Construction of homes on Guildwood Drive (For information)

PUBLIC MEETING

3:00 o'clock p.m.

11. Zoning Application ZA-86-15, A. Kumar, owner, for a change in zoning from "AA" to "HH" for property municipally known as No. 1094 Upper Sherman Avenue; Thorner Neighbourhood.
Public Meeting - 3:00 p.m.
12. Zoning Application ZA-86-93, S. G. Dighe, owner, for a change in zoning from "A" to "H" modified, for property on the west side of Ewen Road in the area south of Main Street West; Ainsley Wood West Neighbourhood.
Public Meeting - 3:00 p.m.
13. Zoning Application ZA-87-75, Lousan Development Limited, owner, for a change in zoning from "D" modified to "RT-20" for lands on the east side of Upper Wentworth Street between Stone Church Road East and Rymal Road East; Rushdale Neighbourhood.
Public Meeting - 3:00 p.m.
14. Zoning Application ZA-87-98, Ardor Investments Ltd., owner, for a modification to the "G" District regulations for property municipally known as No. 1300 Garth Street; Gilkson Neighbourhood.
Public Meeting - 3:15 p.m.
15. Zoning Application ZA-87-99, 496091 Ontario Inc. (P. Tigani and G. H. Silcox) owners, for a modification to the "M-14" District regulations for property at No. 1198 Stone Church Road East; Rymal Neighbourhood.
Public Meeting - 3:15 p.m.
16. Zoning Application ZA-84-79, Ferrell Builders Supply Ltd., Adorn Investments Ltd., M. Henderson, M. and D. Garon and W. Kohlberger, owners, for changes in zoning from "AA" and "E-2" to "R-2" and "H" for lands in the area north of Queenston Road and west of Grays Road; Riverdale East Neighbourhood. (Report to follow)
Public Meeting - 3:30 p.m.
17. Zoning Application ZA-87-81, W. D. Mattina and M. J. Ferracuti, owners, for a change in zoning from "AA" to "C" for property at No. 165 Rymal Road West; Kennedy East Neighbourhood.
Public Meeting - 3:30 p.m.
18. Normanhurst Neighbourhood - Rezoning of Industrial Lands (P5-2-105).
Public Meeting - 4:00 p.m.
19. Subdivision Application SA-87-17, F. Husack and DiCenzo Construction Co. Ltd., owners, for lands in the area north of Stone Church Road West and east of Almalfi Street; Gurnett Neighbourhood.
20. Site Plan Control Applications approved (For information).
21. Inventory of Municipal and Regional Industrial Lands in Hamilton (P5-5-3-2).



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Wednesday, 1987 September 16
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Alderman T. Cooke
Alderman H. Merling
Alderman B. Hinkley
Alderman W. McCulloch

Regrets: Mayor Robert M. Morrow - Civic Business
Alderman D. Christopherson - Civic Business
Alderman S. Collins

Also present: Alderman J. Gallagher
Alderman T. Murray
Alderman G. Copps
Alderman M. Kiss
Mr. V. Abraham, Director of Local Planning
Mr. B. Allick, Building Department
Ms. N. Chapple, Planning Department
Mr. P. Kuppe, Building Commissioner
Mr. L. King, Building Department
Mr. P. Lampman, Building Department
Mrs. J. McDermot, Planning Department
Mr. E. Kowalski, Director of Community Development
Mr. K. Brenner, Regional Engineering Department
Mr. L. Sage, Chief Administrative Officer
Mr. D. Vyce, Director of Property
Mr. J. Zipay, Planning Department
Ms. Monica German, Building Department
Mr. J. Schwarz, Regional Planning Department
Mr. B. Ferguson, Traffic Department
Mrs. S. K. Reeder, Acting Secretary

The Committee was in receipt of the minutes of their last meeting held Wednesday, 1987 August 12 and approved these minutes.

Minutes - 1987
August 12th

Alderman Cooke submitted a memo to the Committee dated 1987 September 16 regarding the conversion of single family dwellings to student housing in West Hamilton.

Student Housing
in West
Hamilton

The Committee then agreed to appoint a Task Force to develop an action plan on this matter.

The Task Force will be comprised of the following:

- The Ward Aldermen on the Planning & Development Committee
- A representative of the City Solicitor's Department
- A representative of the Building Department
- A University staff member and/or Student Union Representative
- Two to Three Area Residents
- One Planning Department representative

The Committee appointed Alderman T. Cooke to serve as the Chairman of this Task Force.

Planning and Development Committee

Wednesday, 1987 September 16

The Committee agreed that the Task Force would be empowered to hold public meetings as necessary to receive input from the community on this matter and that they would report back to the Planning and Development Committee within 60 days with recommendations.

Demolition
Permit
Applications

The Committee was in receipt of a report from the Building Commissioner dated 1987 September 3 respecting demolition permit applications. The Committee approved the following:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following residential buildings:

- a) 551 John Street North
- b) 312 Bold Street
- c) 538 Barnaby Street
- d) 429 Kenilworth Avenue North

Building
Department
-Prioritization
of Workload

The Committee was in receipt of a report from the Building Commissioner dated 1987 September 3 respecting the prioritization of workload.

A further report on this matter dated 1987 September 16 was distributed to the Committee at the meeting.

Mr. P. Kuppe, Building Commissioner and Mr. L. King of the Building Department reported on this matter.

General discussion ensued on the impact that the denial of Council to appoint additional staff in the Building Department will have on workload priorities.

Mr. Kuppe indicated that he will be requesting additional staff in his 1988 budget package request.

Considerable discussion ensued on this matter and it was moved by Alderman Hinkley, seconded by Alderman Merling and carried:

That the information reports submitted to the Planning and Development Committee be forwarded to Council for their information.

Connection of
Roof Leaders
to Storm
Sewers

The Committee was in receipt of a report from the Department of Engineering dated 1987 July 7 respecting the connection of roof leaders to storm sewers.

Alderman Merling addressed the Committee on the problems that are being encountered by roof leaders not being connected to sewers and the flooding that it causes.

It was then moved by Alderman Merling, seconded by Alderman Hinkley and carried to approve the following recommendation:

That the City Solicitor be authorized and directed to draft a By-law for Council's approval for the purpose of requiring all roof leaders to be connected to storm sewers.

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The Committee was in receipt of a report from L.A.C.A.C. dated 1987 September 11 respecting West Avenue School. Ms. Nina Chapple of the Planning Department presented a report on the merits of preserving this building from demolition.

West Avenue
School

Mr. Pereira, 235 West Avenue North, addressed the Committee on his views that the building should be preserved.

Mr. Howard Mark, representing L.A.C.A.C., also addressed the Committee on the merits of preserving this building.

Alderman Hinkley expressed great concern that this matter has been dealt with sometime ago and that at that time every opportunity was given for input. He added it was most inappropriate for this matter to be delayed at this point in the process.

It was then moved by Alderman Hinkley, seconded by Alderman Merling and carried to approve the following recommendation:

That the Director of Property hold off on the demolition of West Avenue School, located at West Avenue and Barton Street East; for a 90 day period.

NOTE: This 90 day delay period will allow for a recircularization of the area residents with respect to their views on the use of the building and property. It will also give L.A.C.A.C. the opportunity to investigate alternative uses for this original 1885 school building.

At this point the Committee moved into a public meeting format for the purpose of hearing zoning applications.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 26 respecting Zoning Application 87-56, for lands at No. 1512 and part of No. 1504 Upper Gage Avenue.

ZA87-56 -
1512 and Part
of 1504 Upper
Gage Avenue

Report of the circularization was as follows:

48 notices sent 3 in favour 3 opposed

Mr. Dennis Sheppard of 224 Columbia Drive addressed the Committee. He expressed concern at this application since he feels that there are too many shopping areas in the vicinity already. A letter and petition dated 1987 September 8 and received September 14 was submitted to the Committee.

Alderman Gallagher addressed the Committee and indicated that he would prefer to see a smaller development on these lands and that Upper Gage should not have to endure the amount of increased traffic that this application would result in.

Mr. Bruce Rankin, Architect spoke on behalf of the owners, Mr. Rami Goldman and Mr. Leo Erez. Mr. Rankin advised that the owners of the property have already been obligated to pay for the street planting strips, etc. at an extra cost to them.

Mr. Goldman addressed the Committee and expressed his concerns that they have already purchased this property with the anticipation of building a mall on it and that they are already having to assume additional costs, i.e., street planting strips, etc. that they did not anticipate.

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Following further discussion on this matter, it was moved by Alderman Merling, seconded by Alderman McCulloch and carried:

That this matter be tabled in order that discussion can ensue between all parties on this matter.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 26 respecting Zoning Application 87-63, for lands located at 1088 Main Street West.

Report of the circularization was as follows:

194 notices sent 12 in favour 25 opposed

Mr. Mac Cline, 34 Cline Avenue South, addressed the Committee in opposition to the application. A letter was received from him on 1987 August 24. Mr. Cline indicated that he is opposed to the application from Perry's Restaurant to expand and referred to the fact that there is very little parking available at the site.

Mr. Browning, 175 Arkell Street, addressed the Committee in opposition to this application. He indicated that there are bad odors coming from the Restaurant and that cars have banged into his fence which has resulted in a cost to him. He added that he has had vandalism done to his property from the clients of the Roadhouse and that it is extremely noisy at closing time as well as having inadequate parking.

A petition was received in objection to this application on 1987 September 11.

Mr. Martin, the owner of property at 1070 and 1080 Main Street West advises that he has 30 parking spots paid by the tenants in their rental fee. He indicated that these parking spots are being used by Perry's Restaurant clients or the bank clients and that as a result he is losing good tenants.

Dr. Marshall, 1100 Main Street West, spoke to the Committee. A letter from him was received by the Planning Department on 1987 July 30. Dr. Marshall indicated that parking spots at his establishment are being used by Perry's Restaurant or the Royal Bank.

Dr. Lee, 155 Arkell Street indicated that he is opposed to the expansion of Perry's Restaurant and indicated that Perry's is not a family style restaurant.

A letter of objection was also received from Reverend G. Meek on behalf of the New Covenant Fellowship Church at 1080 Main Street West.

At this point in the meeting, Mr. Marcetti, Solicitor for Mr. Perry, owner of Perry's Restaurant, addressed the Committee. He introduced several people who spoke in favour of the expansion application as follows:

Mr. Dwight Ryan, 23 Cline Avenue spoke in favour of the expansion of Perry's Restaurant. He indicated that he represents himself and other residents in the area in favour of this expansion. Mr. Ryan added that the Restaurant is close to his home and it is appealing to him as it is in within walking distance. He added that he disputes the allegations of rowdiness at Perry's and indicated that Perry's adds to the Westdale atmosphere.

ZA87-63 -
1088 Main Street
West
- Perry's
Restaurant

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Mr. Bob Clue, former L.C.B.O. Inspector, 133 Parkwood Crescent addressed the Committee in support of Perry's application for expansion. He added that Perry's has never had an infraction with their liquor licence and that he has never seen any problem with parking. Mr. Clue added that Perry's Restaurant ratio is 40% food, 60% liquor and that this percentage is higher on food than liquor compared to other establishments.

The Committee was in receipt of a letter of support from Mr. Larry Bromberg, at 1084 Main Street West. Mr. Bromberg indicated in his letter that he fully supports expansion of Perry's Restaurant and authorizes the use of his parking spaces for a minimum of twenty years beginning 1987 October 1.

The Committee was in receipt of a letter from Mr. J. J. Shekter, owner of property at 1100 Main Street West supporting the expansion of Perry's and allowing parking privileges from 5:00 o'clock p.m. at his property at 1100 Main Street West for a period of twelve months.

The Committee was also in receipt of a letter from Bob Brown's English Auto's Limited dated 1987 September 16 supporting the application for Perry's Restaurant expansion and confirming that all parking spaces at Brown's Sunoco Station at 1050 Main Street West will be available to Perry's Restaurant.

Mr. Marcetti advised that 61 parking spots will be provided by the surrounding areas.

Mr. Marcetti, Solicitor for the owner of Perry's Restaurant spoke on Mr. Perry's plan for live music. He indicated that 80% of the business of the restaurant is done after 5:00 o'clock p.m. and that 80% of the business is walk-in clientele.

The owner of the property at 86 Arkell Street addressed the Committee in support of Perry's Restaurant. He indicated that it is an excellent establishment and that he sees their need for expansion. He added that he does not see a deterioration to the neighbourhood with this proposed expansion.

The owner of 185 Arkell Street addressed the Committee and indicated that she is opposed to the expansion of Perry's Restaurant and that one of her neighbours has vigorously complained several times of Perry's Restaurant. She added that accidents have been caused by congestion due to lack of parking at Perry's.

Mr. Mac Cline reputed that there are 61 parking spaces available and at that point a count of those parking spaces available was described.

Dr. Marshall spoke to the Committee again and indicated that he is concerned that the Committee is looking at the evening parking situation rather than the day time parking.

At this point in the meeting, the Committee discussed this application. It was then moved by Alderman McCulloch, seconded by Alderman Merling to APPROVE this application as follows:

- A. That APPROVAL be given to Zoning Application ZA-87-63, 543003 Ontario Limited, owner, for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (a) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593 applicable to the subject lands be modified in accordance with Section 38 of the Planning Act R.S.O. 1983, to permit musical entertainment with non-amplified or electronic instruments within the restaurant for a period not to exceed six months from the date of passage of this By-law;
 - (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1041, and that the subject lands on Zoning District Map W-33 be notated S-1041;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-33;
 - (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West as shown on the attached map marked as APPENDIX "A"

The effect of the By-law is to permit musical entertainment with non-amplified or electronic instruments within the restaurant for a period not to exceed six months from the date of passage of this By-law in accordance with Section 38 of the Planning Act R.S.O. 1983 which otherwise would not be permitted in a "G" (Neighbourhood Shopping Centre, etc.) District.

- B. That APPROVAL be given to Zoning Application ZA-87-63, 543003 Ontario Limited, owner, for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as special requirement:
- i) That the provisions of Section 18A TABLE 1.4 (f) of By-law No. 6593, shall not apply to a restaurant;
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1041, and that the subject lands on Zoning District Map W-33 be notated S-1041;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-33;
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for final passage by City Council until the applicant provides proof to the satisfaction of the City that 16 off-side parking spaces can be provided by way of a lease for a period of at least 10 years or more.

NOTE: The purpose of the By-law is to provide for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to exempt the restaurant from providing on-site parking would be required on the basis of one parking space for every six persons lawfully accommodated.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 26 respecting Zoning Application 87-64, for land located at 126 Queenston Road.

ZA-87-64 - 126
Queenston Road

The Committee was in receipt of a letter of submission dated 1987 September 8 from Mrs. Charlotte Craig, 1001 Central Avenue.

Mrs. Craig advised that she is opposed to the application and that she feels the name of the Hotel should not have been changed from the Derby.

It was then moved by Alderman McCulloch, seconded by Alderman Cooke and carried to APPROVE Zoning Application 87-64 as follows:

- A. That APPROVAL be given to Zoning Application 87-64, Parkdale Hotel (Hamilton) Ltd., owner, request a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations for property located at No. 126 Queenston Road, as shown on the attached map marked as APPENDIX "B" on the following basis:

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- i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 1. Notwithstanding Section 18(11)(b) 1. and 2. of By-law No. 6593, an outdoor patio shall be permitted in the westerly side yard;
 2. Notwithstanding section 18A(1)(f) and 18A(7) of By-law No. 6593, the Minimum Required Maneuvering space and minimum length of the eight parking spaces directly adjoining the outdoor patio shall have a minimum length of 5.0m.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1042, and that the subject lands on Zoning District Map E-75 be notated S-1042;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-75; and,
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to permit an outdoor patio used in conjunction with the established hotel/tavern located at No. 126 Queenston Road to be located in the westerly side yard whereas the Zoning By-law prohibits such use where any lot line adjoins a residential district or is separated from a residential district by a lane or alley.

In addition, the By-law provides for a variance to Section 18A The Parking and Loading Requirements of Zoning By-law 6593 to reduce the minimum length of eight parking spaces directly adjoining the outdoor patio and the minimum required maneuvering spaces from the required 6.0 m to 5.0 m.

- B. That By-law No. 79-275 establishing Site Plan Control be AMENDED by adding the subject lands to Schedule "A".

A87-72 -
275 Rymal
oad East

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 25 respecting Zoning Application 87-72, for lands at 1275 Rymal Road East.

Report of the circularization was as follows:

41 notices sent 13 in favour 0 opposed

The Committee then approved the following recommendation:

That APPROVAL be given to Zoning Application 87-72, Fortinos Supermarkets Limited, owner for a modification to the "M-12" (Prestige Industrial) District, permit the development of the subject lands for a bakery and a 232.25 m² (2,500 sq.ft.) accessory restaurant, for the property located at No. 1275 Rymal Road East, as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D applicable to the subject lands be modified to include the following variances:

- i) That notwithstanding Section 17D(1)(b) and (c) the following additional uses shall be permitted.

<u>Identification No.</u>	<u>Industrial Use</u>
1072	Bread and other bakery products
	<u>Commercial Uses</u>
9212	Restaurants, unlicensed
9211	Restaurants, licensed
9213	Take out services

- ii) That the restaurant and take out service shall be accessory to the bakery and shall not exceed 232.25 m² of combined floor area.
- (b) That the amending By-law be added to Section 19B of Zoning By-law NO. 6593 as Schedule S-1038, and that the subject lands on Zoning District Maps E-59E be notated S-1038;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-59D and E-59E;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a modification to the "M-12" (Prestige Industrial) District for the property located at No. 1275 Rymal Road East, as shown on the attached map marked as APPENDIX "C".

The effect of the By-law is to permit the development of the subject lands for a bakery and a 232.25 m² (2,500 sq. ft.) accessory restaurant.

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ZA87-74 -
122-124 Young
Street

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 24 respecting Zoning Application ZA-87-74 for property located at Nos. 122-124 Young Street.

Report of the circularization was as follows:

1 040 notices sent 31 in favour 3 opposed

The Committee approved the following recommendation:

- A. That APPROVAL be given to Official Plan Amendment No. 50 to create a special policy area to permit professional offices within the existing building and the City Solicitor be directed to prepare a by-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth (see attached).
- B. That APPROVAL be given to Zoning Application ZA-87-74, Walter Jazvac, owner, requesting a modification to the existing "E-3" (High Density Multiple Dwellings) District regulations to permit the conversion of a single family dwelling to professional offices for properties located at Nos. 122-124 Young Street, as shown on the attached map marked as APPENDIX "D" on the following basis:
 - i) That the "E-3" (High Multiple Dwellings) District regulations as contained in Section 11C of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
 1. That notwithstanding Section 11C(1) of By-law No. 6593, the following additional use shall be permitted within the existing building:
 - A.) Permitted Use
Professional Offices
 - B.) Accessory Use
One ground sign, wall sign, or projecting sign of an area not more than 0.4 m² (4.31 sq. ft.) non-illuminated or illuminated by non-flashing, indirect, or interior means only, located at least 1.5m (4.92 ft.) from the nearest street line in connection with any commercial use permitted in the district.
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1040, and that the subject lands on Zoning District Map E-5 be notated S-1040.
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5.
 - iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of the Official Plan Amendment No. 50;

- v) That the Durand Neighbourhood Plan be changed by redesignating the subject lands from "High Density Apartments" to a "Commercial and Apartments" designation.

NOTE: The purpose of the By-law is to provide for a modification to the established "E-3" (High Density Multiple Dwellings, etc) District regulations applicable to properties located at Nos. 122-124 Young Street, as shown on the attached map, marked as APPENDIX "D".

The effect of the By-law is to permit the following additional uses within the existing building located on the site:

a) Permitted Use

Professional Offices

b) Accessory Use

One ground sign, wall sign, or projecting sign of an area not more than 0.4 m² (4.31 sq. ft.) non-illuminated or illuminated by non-flashing, indirect, or interior means only, located at least 1.5 m (492 ft.) from the nearest street line in connection with any commercial use permitted in the district.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 25 respecting Subdivision application SA-87-11, for a draft plan of subdivision at the south-east corner of Stonechurch Road East and Upper Wellington Street, as well as Zoning Application 87-51, for lands located south of Stonechurch Road and the area east of Upper Wellington Street.

Mr. Peter Edmonson, 138 Stonechurch Road East, addressed the Committee in opposition to this development. He indicated that he feels there is too much commercial development in the area already. Mr. Edmonson submitted a presentation and a petition to the Committee with respect to the area residents' concerns about this application.

Mrs. Dickson, 111 Stonechurch Road East addressed the Committee in opposition to this development. She indicated that she is opposed to any development of the land and feels that good farm land is too quickly disappearing.

A letter from her dated 1987 September 15 was received by the Committee.

The Committee then discussed this application and heard from the applicant with respect to his plans for this area.

It was then moved by Alderman Merling, seconded by Alderman McCulloch and carried to table this matter until the next meeting of the Planning and Development Committee.

Subdivision
Application -
SA87-11 and Zoning
Application 87-51
- South east
corner of
Stonechurch Road
East and Upper
Wellington

Planning and Development Committee

Wednesday, 1987 September 16

ZA87-62 -
North Side of
Bigwin Road,
east of Anchor
Road

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 9 respecting Zoning Application ZA-87-62, for property located on the north side of Bigwin Road, east of Anchor Road.

Report of the circularization was as follows:

18 notices sent 3 in favour 0 opposed

The Committee then approved the following recommendation:

That APPROVAL be given to Zoning Application ZA-87-62, Peter Mercanti, prospective owner, requesting a modification to the "M-14" (Prestige Industrial) District regulations to permit the construction of a building for a catering business and banquet hall for the properties located on the north side of Bigwin Road, east of Anchor Road, as shown on the attached map marked as APPENDIX "E", on the following basis:

- (a) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-law No. 6593, applicable to the subject property be modified to include the following special requirement:
 - i) That notwithstanding the provisions of Section 17F(1)(b) of By-law No. 6593 the following commercial use shall be permitted:

<u>Identification No.</u>	<u>Commercial Use</u>
9214	Caterers

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1039, and that the subject lands on Zoning District Map 69C be noted S-1039;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map 69C; and
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purposed of this By-law is to provide for a modification to the "M-14" (Prestige Industrial) District regulations for the properties located on the north side of Bigwin Road, east of Anchor Road, as shown on the attached map marked as APPENDIX "E".

The effect of this By-law is to permit the construction of a building for a catering business and banquet hall.

Site Plan Control
Application

The Committee was in receipt of Site Plan Control Applications that had been approved by the Chairman of the Planning and Development Committee and the Aldermen of the Ward for the following areas:

Planning and Development Committee

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- (a) Lands on the north side of Loconder Drive, east of Upper Gage Avenue
- (b) Lands on the east side of Upper Gage Avenue, north of Loconder Drive
- (c) Property at 1550 Stonechurch Road East
- (d) Property at 49 Robinson Street

The Committee agreed to receive this report.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 14 respecting Subdivision Application 87-10, to establish a draft plan of condominium at the northeast intersection of Upper Gage Avenue and Loconder Drive.

Alderman Ross declared a conflict of interest in this matter.

The Committee then approved the following recommendation:

That APPROVAL be given to Application SA-87-10, 568434 Ontario Inc., owner, to establish a Draft Plan of Condominium located at the north-east intersection of Upper Gage Avenue and Loconder Drive, subject to the following condition:

- (a) That this approval apply to the plan prepared by MacKay, MacKay & Peters Limited, Ontario Land Surveyors, dated May 14, 1987 revised to show a widening on Upper Gage Avenue which would establish a property line 18.29 metres from the centre line and a daylight triangle of 12.19 metres by 12.19 metres from the widened limits of Upper Gage Avenue and Loconder Drive.
- (b) That the widening and the daylight triangle be dedicated as a public highway on the final plan.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 1 respecting Subdivision Application 87-12 for property on the north side of Wheeler Place, east of Hess Street, south of Bold Street and west of Caroline Street.

The Committee then approved the following recommendation:

That APPROVAL be given to Application SA-87-12 "Carrington Towers", Two-Way Construction Ltd., owner, to establish a draft plan of condominium located on the north side of Wheeler Place, east of Hess Street, south of Bold Street and west of Caroline Street, subject to the following condition:

- (a) "That this approval apply to the plan prepared by A. J. Clarke and Associates, O.L.S., dated April 9, 1987."

Subdivision
Application
87-10 - North east
intersection of
Upper Gage Avenue
and Loconder Drive

Subdivision
Application 87-12
- north side of
Wheeler Place,
east of Hess
Street, south of
Bold Street and
west of Caroline
Street

Planning and Development Committee

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Hamilton Development
Incentives
Programme

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 23 respecting the Hamilton Development Incentives Programme.

The Committee then approved the following recommendation:

- (a) That a Development Incentive Sub-Committee be established to oversee the development of vacant or underutilized civic lands on an experimental basis.
- (b) That the Sub-Committee be comprised of members from
 - (i) The Building Department
 - (ii) The Community Development Department
 - (iii) The Property Department
 - (iv) The Planning and Development Department
- (c) That the Sub-Committee's mandate be formalized by the Sub-Committee and endorsed by the Planning and Development Committee
- (d) That the development of proposed sites be undertaken by tendering the sites for sale to private developers, subject to conditions established by the Sub-Committee and endorsed by the Planning and Development Committee.
- (e) That the two preferred sites identified in this report be forwarded to the Sub-Committee for their consideration in the selection of a site for the project.
- (f) That the Development Incentives Sub-Committee initiate the programme by selecting a site for a pilot project and forwarding the site location to the Planning and Development Committee for endorsement.
- (g) That the Development Incentives Sub-Committee report on the progress of the Programme to the Planning and Development Committee and Council from time to time.
- (h) That the Development Incentives Sub-Committee evaluate the Programme after the completion of a pilot project and report on the Programme's effectiveness to the Planning and Development Committee and Council.

Note: A number of underutilized City-owned properties exist throughout Hamilton. The development of these lands would provide a number of benefits to the City and the community as a whole.

A Development Incentives Sub-Committee consisting of staff members of various City departments should be established to oversee the development of appropriate civic owned sites.

Ethnic Commercial
Villages

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 4 respecting Ethnic Commercial Villages.

The Committee agreed to table this matter to a future meeting and Alderman Hinkley advised that he will present a report from himself to the Committee.

Planning and Development Committee

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The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 21 respecting a revised proposal to amend the Hamilton-Wentworth Official Plan to relocate a proposed district shopping centre in the Town of Ancaster.

The Committee then approved the following recommendation:

That the City Clerk inform the Regional Municipality of Hamilton-Wentworth that the City of Hamilton does not object to the proposed amendment to the Hamilton-Wentworth Official Plan to relocate a proposed shopping centre in the Town of Ancaster.

NOTE: The proposed amendment to the Hamilton-Wentworth Official Plan would permit the relocation of a proposed district shopping centre from a site at Mohawk Road and Highway 403 to a site approximately 800 metres to the east.

This application to amend the Hamilton-Wentworth Official Plan originally appeared before the Planning and Development Committee on May 27, 1987 and was subsequently referred back to Committee by City Council at its meeting of June 23, 1987.

Since this time, the applicants have amended their application to only include the relocation of the district level shopping centre and not include the redesignation of other lands from industrial to residential.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 8 respecting the High Density Residential Development Study, Phase II.

It was agreed that this matter would be tabled to the next meeting of the Committee.

Under other business, Alderman Merling addressed the Committee on Subdivision Application 86-26 and Zoning Application 86-97 respecting lands on the east side of Upper Sherman Avenue in the area north of Stonechurch Road East.

Alderman Merling indicated to the Committee that Blocks 2 and 3 of this development had been tabled for the purpose of having discussion for the possible development of single family homes, rather than townhousing on these lands.

Alderman Merling indicated to the Committee that the developer has agreed to develop this land for single family homes. He indicated that the developer is having difficulty in obtaining the required amounts of lands from abutting property owners to meet the requirements for roads.

It was then agreed that

The Director of Property be authorized to assist McNally Brothers (1965) Limited with their negotiations with the abutting property owners to purchase the required amount of land for the development of Blocks 2 and 3 of their lands on the east side of Upper Sherman Avenue in the area north of Stonechurch Road East.

Revised Proposal
to amend the
Hamilton-Wentworth
Official Plan
to Relocate a
Proposed Shopping
Centre in the Town
of Ancaster

High Density
Residential
Development Study
Phase II

Subdivision
Application 86-26
and Zoning
Application 86-97
- Lands on the
East Side of
Upper Sherman
Avenue in the
Area north of
Stonechurch Road
East

Planning and Development Committee

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Ontario Home
Renewal Programme
(O.H.R.P.) and
Hamilton
Rehabilitation
Programme
(H.A.R.P.)

The Committee was in receipt of a report from the Director of Community Development dated 1987 September 1 respecting the Ontario Home Renewal Programme (O.H.R.P.) and Hamilton Rehabilitation Programme (H.A.R.P.).

The Committee then approved the following recommendation:

- (a) That the following Ontario Home Renewal Programme (O.H.R.P.) applications, and Hamilton Rehabilitation Programme (H.A.R.P.) applications, attached herewith and marked as APPENDIX "H" and APPENDIX "I" respectively be approved.
- (b) That the Director of Community Development be authorized to process grants/loans in an amount not to exceed \$7 500. per application.

NOTE: The actual amount of grant or loan will be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O., 1980) under The Housing Development Act for the Ontario Home Renewal Programme (O.H.R.P.) and pursuant to By-law 78-113 for the Hamilton Rehabilitation Programme (H.A.R.P.).

Second Level
Lodgin Home
Rehabilitation
Programme

The Committee was in receipt of reports from the Director of Community Development dated 1987 September 9 respecting applications under the Second Level Lodging Home Rehabilitation Programme.

The Committee then approved the following recommendation:

That the following loan increases for Second Level Lodging Homes under the Second Level Lodging Home Rehabilitation Programme be approved:

<u>Owners</u>	<u>Second Level Lodging Home</u>	<u>Loan Increase</u>
(a) Michael and John Job	849 Main Street East	\$4 967.
(b) John Job	169 Delaware Avenue	\$5 775.

NOTE: The total loan will now be for \$27 680.

NOTE: The total loan will now be for \$18 831.

Commercial
Facade Loan
Programme

The Committee was in receipt of recommendations from the Director of Community Development respecting applications under the Commercial Facade Loan Programme.

The Committee then approved the following recommendation:

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That the following Commercial Facade Loan Programme applications be approved.

	<u>Owner</u>	<u>Property</u>	<u>Loan Amount</u>
(a)	Panzex Montreal Incorporated	1 and 3 King St. E. 2 James St. N.	\$40 000.
(b)	Mr. A. DiSiena	253 James St. N.	\$15 000.

NOTE: The interest rate will be 4.5% amortized over 10 years.

The Committee was in receipt of a report from the Director of Community Development dated 1987 September 10 respecting the Provincial Government's Low Rise Programme.

Provincial
Government's
Low Rise
Programme

The Committee approved the following recommendation:

- (a) That the Department of Community Development be authorized and directed to apply to the Ministry of Housing for a further unit allocation of 300 under the Provincial Government's Low-Rise Programme for the balance of the Provincial fiscal year ending March 31, 1988.
- (b) That the Department of Community Development be directed to apply to the Ministry of Housing for the following allocations for 1988 - 1990:

April 1, 1988 to March 31, 1989 - 500 units
April 1, 1989 to March 31, 1990 - 500 units

The Committee was in receipt of a report from the Director of Community Development dated 1987 August 31 respecting Project PRIDE (Programme for Renewal, and Improvement, Development and Economic Revitalization) Crown Point West/Stipeley Neighbourhood.

Project PRIDE
(Programme for
Renewal, and
Improvement
Development
and Economic
Revitalization)
Crown Point
West/Stipeley
Neighbourhood

The Committee approved the following recommendation, which will be referred to the Executive Committee for deliberation:

- (a) That, the Planning and Development Committee recommend to the Executive Committee that the Crown Point West/Stipeley PRIDE Programme be proceeded with at an estimated gross cost of \$800 000 (Eight Hundred Thousand Dollars) as referenced in the 1987 portion of the 1987-1991 Capital Budget as Project No. E38005.

NOTE: Originally the City of Hamilton applied for one and one-half million dollars for the Crown Point West/Stipeley PRIDE Programme.

Since it has only been allocated \$400 000, a total of \$800 000 is available for implementation (50% municipal dollars, 50% Provincial funding).

Planning and Development Committee

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- (b) That, the Treasurer be requested to recommend to the Executive Committee, the amount and source of funds to be provided for this Capital Project, the municipality's share being \$400 000.
- (c) That the interim funding for the cost of drawings, public meetings, administration, preparation of community improvement plan, surveys, separation of tenders, specifications and fees for Crown Point West/Stipeley (PRIDE) in the amount of \$50 000 be approved, pending Ontario Municipal Board approval as referenced in (b) above.
- (d) That the Treasurer recommend to the Executive Committee, the method of funding for the \$50 000 referenced in (c) above.
- (e) That City Council advise the Minister of Municipal Affairs of its intention to utilize the Provincial allocation of \$400 000 for Phase I of the Crown Point West/Stipeley PRIDE.
- (f) That City Council authorize the Department of Community Development to proceed with the project in two phases.

NOTE: The first phase would address mostly residential concerns possibly including Priority One Park, buffering to railway lines and other manufacturing land uses from residential areas, and the second phase would implement improvements to the industrial and commercial areas.

- (g) That the Department of Community Development be authorized to reapply for Provincial funding under the PRIDE Programme for Phase II of the Crown Point West/Stipeley Project for 1988-89 at an estimated cost of \$1 000 000 000.

The Committee was in receipt of a report from the Director of Community Development dated 1987 September 11 respecting the 1988-1992 Capital Budget.

The Committee then approved the following recommendation:

That the attached Capital Budget projects of the Department of Community Development, included in the Capital Budget Programme, 1988-1992, be approved.

The projects listed in this report include the following:

- (a) Municipal Non-Profit (Hamilton) Housing Corp. - Land Banking for Non-Profit Housing.
- (b) Waterfront Redevelopment
- (c) Beasley PRIDE Programme
- (d) PRIDE (Programme for Renewal, Improvement, Development and Economic Revitalization) - Crown Point West/Stipeley
- (e) Industrial Waste Clean Up - Former Lax Property
- (f) Crown Point West/Stipeley; PRIDE Programme

Department of
Community
Development -
1988-1992
Capital Budget

Planning and Development Committee

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This recommendation will be forwarded to the Executive Committee for deliberation.

The Committee was in receipt of a report from the Director of Community Development dated 1987 September 2 respecting the Signage Grant Programme. Mr. Kowalski advised the Committee that he wished to have this item deleted from the agenda.

Signage Grant
Programme
- Deleted

The Committee was in receipt of a private and confidential information report from the Director of Community Development dated 1987 September 1 respecting the Ontario Home Renewal Programme. The Committee agreed to receive this report.

Ontario Home
Renewal
Programme

The Committee was in receipt of a report from the Director of Property dated 1987 August 21 respecting the extension of closing date - City sale to Jim Pattison Industries Limited, operating as Hamilton City News - Parts 10 and 11, Plan 62R-6188, 26-36 Keefer Court.

Extension of
Closing Date -
City Sale to
Jim Pattison
Industries Ltd. -
26-36 Keefer
Court

The Committee then approved the following recommendation:

- (a) That the closing of the transaction dated April 6, 1987 between Jim Pattison Industries Ltd. operating as Mountain City News and the City of Hamilton be extended to November 25, 1987.
- (b) That time continue to remain of the essence in the agreement and all other terms and conditions of the agreement are to remain the same.

The Committee was in receipt of a report from the Director of Property dated 1987 September 2 respecting settlement expropriation - 760 Burlington Street East, Sarmor Properties Limited.

Settlement
Expropriation -
760 Burlington
Street East,
Sarmor Properties
Limited

The Committee approved the following recommendation:

That an Agreement by Owner to Accept Compensation executed by Sarmor Properties Limited on August 26, 1987 and scheduled for closing on November 3, 1987 in the total amount of \$15 190. plus 6% interest on the outstanding compensation for market value of the property at 760 Burlington Street East from June 22, 1983 to the date of the closing be approved and completed. Acquisition costs are to be charged to Account 0280-35 (Reserve for Alpha Enclave) in which sufficient funds are available to finalize this transaction.

NOTE: The subject property measures 22 feet (6.70 metres) along the southerly limit of Burlington Street East by a depth of 80 feet (24.38 metres) more particularly described as part of Lot 10, Plan 550, together with buildings erected thereon bearing municipal number 760 Burlington Street East.

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Sale - Lot 18,
Plan M227,
Hamilton
Industrial
Park No. 1 -
Nebo Road to
Fin-Par
Enterprises

The Committee was in receipt of a report from the Director of Property dated 1987 September 8 respecting the sale - Lot 18, Plan M227-Hamilton Industrial Park No. 1 - Nebo Road to Fin-Par Enterprises.

The Committee then approved the following recommendation:

That an Offer to Purchase the lands of the Corporation of the City of Hamilton, Lot 18, Plan M-227, Hamilton Industrial Park No. 1 located on Nebo Road, duly executed on September 3, 1987 by the Purchaser, Fin-Par Enterprises Inc., and scheduled for closing on December 2nd, 1987 be approved and completed.

NOTE: The purchase price is \$100 730. A deposit cheque in the amount of \$10 073. is being held by the Treasurer pending Council approval.

The property is composed of a parcel of land located on the western limit of Nebo Road, having a frontage of 200.21 feet by a depth of 433.31 feet/441.89 feet and containing an area of 2.0146 acres.

This Offer to Purchase is conditional upon the following conditions being met:

- (a) The Purchaser obtaining a tenant or tenants for the proposed building.
- (b) The Purchaser's, at their own expense, obtaining soil tests to determine the load bearing capabilities of the subject lands for the construction of the Purchaser's proposed building.
- (c) The Purchasers have until November 16th, 1987 to satisfy themselves to conditions 1 and 2. In the event the above conditions cannot be resolved by this date, the Vendor agrees to grant a further extension of 30 days if required and requested in writing by the Purchasers.
- (d) If the extension of 30 days is granted by the Vendor, then the closing date will also be extended by 30 days, provided that time remains of the essence and all terms and conditions remain in full force and effect subject to clause no. 7.

It is understood and agreed that the Vendor upon completion of this transaction will pay a 5% Real Estate Commission on the following basis to Lounsbury Realty Limited, 171 James Street South, Hamilton, Ontario L8P 3A3, whose agent, Mr. Gary Stapleton, acted in this matter.

1st	\$100 000.	of Purchase Price	-	5%
2nd	\$100 000.	of Purchase Price	-	4%

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, and marked APPENDIX "J".

Planning and Development Committee

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The Committee was in receipt of a report from the Director of Property dated 1987 September 8 respecting the Purchase by the City - 403 Sherman Avenue North - Donald Arnott.

Purchase by the
City - 403
Sherman Avenue
North - Donald
Arnott

The Committee approved the following recommendation:

That an Option to Purchase the property at 403 Sherman Avenue North duly executed by Donald Arnott on September 2, 1987 and scheduled to closed on or before November 24, 1987 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 20.08 feet (6.12 metres) by a depth of 90 feet (27.43 metres) comprising an approximate area of 1,807.2 square feet (167.88m²) with structures erected thereon. The purchase price of \$40 500. in accordance with APPENDIX "K" herewith attached is to be charged to Account 0408-W75266, pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1987 September 8 respecting a purchase by the City - No. 3 Gerrard Street - Willi Richard Parow and Hedwig Maria Parow.

Purchase by the
City - 3 Gerrard
Street - Willi
Richard Parow
and Hedwig Maria
Parow

The Committee approved the following recommendation:

That an Option to Purchase the property at 3 Gerrard Street duly executed by Willi Richard Parow and Hedwig Maria Parow on September 8, 1987 and scheduled for closing on or before January 11, 1988 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 19 feet (5.79 metres) by a depth of 94 feet (28.65 metres) and comprising an approximate area of 1,786 square feet (165.91m²) together with structures erected thereon. The purchase price of \$36 500. in accordance with APPENDIX "L" herewith attached is to be charged to Account 0408-W75266 pending receipt of O.B.M. approval for funding. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1987 September 8 respecting the purchase by the City - No. 5 Gerrard Street - Ingeborg Carr.

Purchase by the
City - 5 Gerrard
Street - Ingeborg
Carr

The Committee approved the following recommendation:

23. That an Option to Purchase the property at 5 Gerrard Street duly executed by Ingeborg Carr on September 8, 1987 and scheduled for closing on or before January 12, 1988 be completed.

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NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 19 feet (5.79 metres) by a depth of 94 feet (28.65 metres) and comprising an approximate area of 1,786 square feet (165.91m²) together with structures erected thereon. The purchase price of \$36 500. in accordance with APPENDIX "M" herewith attached is to be charged to Account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

Purchase by the
City - 7 Gerrard
Street - Willi
Richard Parow
and Hedwig Maria
Parow

The Committee was in receipt of a report from the Director of Property dated 1987 September 8 respecting Purchase by the City - No. 7 Gerrard Street - Willi Richard Parow and Hedwig Maria Parow.

The Committee approved the following recommendation:

That an Option to Purchase the property at 7 Gerrard Street duly executed by Willi Richard Parow and Hedwig Maria Parow on September 8, 1987 and scheduled for closing on or before January 13, 1988 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 19 feet (5.79 metres) by a depth of 94 feet (28.65 metres) and comprising an approximate area of 1,786 square feet (165.91m²) together with structures erected thereon. The purchase price of \$36 500. in accordance with APPENDIX "N" herewith attached is to be charged to Account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

Purchase by the
City - 9 Gerrard
Street - 573667
Ontario Limited

The Committee was in receipt of a report from the Director of Property dated 1987 September 8 respecting the Purchase by the City - No. 9 Gerrard Street - 573667 Ontario Limited.

The Committee approved the following recommendation:

That an Option to Purchase the property at 9 Gerrard Street duly executed by 573667 Ontario Ltd.. (Norman Ferguson, President) on September 8, 1987 and scheduled for closing on or before November 25, 1987 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 19 feet (5.79 metres) by a depth of 95 feet (28.95 metres) and comprising an approximate area of 1,805 square feet (167.68m²) together with structures erected thereon. The purchase price of \$38 500. in accordance with APPENDIX "O" herewith attached is to be charged to Account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

Purchase by the
City - 10 Gerrard
Street - Tony
Dilello

The Committee was in receipt of a report from the Director of Property dated 1987 September 1 respecting Purchase by the City - No. 10 Gerrard Street - Tony Dilello.

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The Committee approved the following recommendation:

That an Option to Purchase the property at 10 Gerrard Street duly executed by Tony Dilello on August 27, 1987 and scheduled for closing on or before November 20, 1987 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 26.67 feet (8.13 metres) by a depth of 80 feet (24.38 metres) and comprising an approximate area of 2,133.6 square feet (198.2m²) together with structures erected thereon. The purchase price of \$49 500., in accordance with APPENDIX "P" herewith attached, is to be charged to Account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1987 September 1 respecting Purchase by the City - No. 12 Gerrard Street - Maudy Dilello.

Purchase by the
City - 12 Gerrard
Street -
Maudy Dilello

The Committee approved the following recommendation:

That an Option to Purchase the property at 12 Gerrard Street duly executed by Maudy Dilello on August 27, 1987 and scheduled to close on or before November 20, 1987 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 24 feet (7.315 metres) by a depth of 1,920 square feet (178.36m²) with structures erected thereon. The purchase price of \$47 500. in accordance with APPENDIX "Q" herewith attached is to be charged to Account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1987 September 1 respecting Purchase by the City - No. 24 Gerrard Street - Stella Zaras.

Purchase by the
City - 24 Gerrard
Street -
Stella Zaras

The Committee approved the following recommendation:

That an Option to Purchase the property at 24 Gerrard Street duly executed by Stella Zaras on August 26, 1987 and scheduled to close on or before November 23, 1987 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 19 feet (5.79 metres) by a depth of 80 feet (24.38 metres) comprising an approximate area of 1 520 square feet (141.20m²) with structures erected thereon. The purchase price of \$36 500. in accordance with APPENDIX "R" herewith attached is to be charged to Account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1987 September 8 respecting Purchase by the City - No. 29 Gerrard Street - 573667 Ontario Limited.

Purchase by the
City - 29 Gerrard
Street -
573667 Ontario
Limited

Planning and Development Committee

Wednesday, 1987 September 16

The Committee approved the following recommendation:

That an Option to Purchase the property at 29 Gerrard Street duly executed by 573667 Ontario Ltd. (Norman Ferguson, President) on September 8, 1987 and scheduled for closing on or before November 25, 1987 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 19 feet (5.79 metres) by a depth of 100 feet (30.48 metres) and comprising an approximate area of 1 900 square feet (176.51m²) together with structures erected thereon. The purchase price of \$34 500. in accordance with APPENDIX "S" herewith attached is to be charged to Account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

Commercial
Sign Study

The Committee was in receipt of a recommendation from the Urban Design Committee dated 1987 August 24 respecting a Commercial Sign Study.

The Committee approved the following recommendation:

That a Commercial Sign Study be included in the Planning and Development Department's work programme for 1988.

Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved,

S. K. Reeder
Acting Secretary
1987 September 16

ALDERMAN J. SMITH, CHAIRMAN
PLANNING & DEVELOPMENT COMMITTEE

Tuesday, September 29, 1987
7:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Mayor R. Morrow
Alderman T. Cooke
Alderman W. M. McCulloch
Alderman B. Hinkley
Alderman D. Christopherson
Alderman H. Merling

Also present: E. Kowalski, Director of Community Development
T. Bradley, Manager of Purchasing
J. Thompson, Secretary

As outlined in a report of the Manager of Purchasing dated September 29, 1987, the Committee agreed to submit the following recommendation to City Council for approval.

1. That a contract be awarded to **Standard Paving**, Hamilton in the amount of \$120 305. including applicable taxes to construct York Boulevard Streetscape, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender and that an agreement be entered into by the City and the successful bidder.

Awarding of
Contract to
Standard Paving
Re:
Construction of
York Boulevard
Streetscape

NOTE: Lowest of three tenders received. \$90 000. provided in Streetscape Improvements, North Side, York Boulevard, MacNab to James Street, Account No. 0408-J72975. The additional expenditure be financed from the contingency allowance within the overall approved Parkade cost of \$7.2 million. Cadillac Fairview were issued a Purchase Order in the amount of \$7.2 million for the construction of the Parkade. The reduction of the contingency in the amount of \$30 305. provides for the completion of the streetscape improvements on the north-side of York Boulevard from MacNab to James Street. This will result in a reduction of \$30 305 to the original Purchase Order and contract issued to Cadillac Fairview. The new net contract total will therefore be \$7 133 195.

The meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

John Thompson, Secretary
September 29, 1987

Typed by M. J. Walton

Sept. 24/87

2.

Dear Neighbor

Recently it was brought to our attention that Delta Tabernacle Church (corner of King - Rosslyn) is being illegally converted to a lodging house for up to 50 tenants. The owner(s) of the building haven't even applied for a building permit. Our concern about this type of building use is, decreased property values, parking congestion, etc. Aldermen Valeriano and Hinkley and Mayor Morrow have promised swift action. Without parking facilities owned by the owner(s) of the building the conversion is illegal and completely inappropriate and will be stopped.

Opposed to the conversion of Delta
Tabernacle Church (King & Rosslyn) to a
Lodging House.

<u>Name</u>	<u>Address</u>
Mike Blacked	428 Maple
Dr. J. W. Nash	1320 King
Mrs. J. W. Nash	1320 King
FRANK GAUTHIER	1308 KING ST E.
FRANK LODI	1316 King ST. E.
James Ester	424 Maple Ave.
Jerome Struffles	424 Maple Ave.
John Smith	31 Kensington
Margaret MacGowan	32 Rosslyn So.
R. M. [unclear]	427 Maple Ave
Ruth E. Lieberbach	427 MAPLE AVE
Mr. & Mrs. Roger Locke	32 Rosslyn Ave. S.
Mrs. R. [unclear]	1431 Maple Ave
Mrs. L. [unclear]	42 Rosslyn Ave So
Grace McAdam	10 Rosslyn Ave. S.
John [unclear]	436 MAPLE AVE
Cornie [unclear]	57 Rosslyn South
Chick da Silva	16 Rosslyn South
J. D. [unclear]	45 Rosslyn Ave South

Opposed to the conversion of Delta Tabernacle Church (King & Rosslyn) to a Lodging House

<u>Name</u>	<u>Address</u>
Kozlov	49 Rosslyn Ave. S.
Kozlov	"
Mr. Lohin	53 Rosslyn S.
E. M. Pearson	57 Rosslyn Ave. S.
PHILIP STEEL	61 ROSSLYN S.
Stanley Andrew.	82 Rosslyn S.
Zvonko Zubric	72 Rosslyn S.
Mary Heaps	68 Rosslyn Ave. S.
Brian + Brenda Henderson	52 Rosslyn Ave S.
Mr + Mrs John Caldwell	48 ROSSLYN " "
John Barth	51 Kensington Ave.
Debra Farewell	47 Kensington A South
Carl Thomas	55 Kensington South
Billie	15 Kensington Ave.
Phyllis	71 Kensington Ave.
Miss O'Leary	72 KENSINGTON S.
Victoria Piccioni	54 Kensington S.
Sam Pearson	
Bliss Jones	50 ROTHSAV AV
Ross Jones	
Jane Redmond	59 Parkway Ave

Opposed to the conversion of Delta Tabernacle
(King & Rosslyn) to a Lodging House.

<u>Name</u>	<u>Address</u>
Greg Glover	16 Rosslyn Ave S.

SEP 29 1987

3a.

Canadian Urban and Housing Studies Conference

FEBRUARY 18-20, 1988, THE UNIVERSITY OF WINNIPEG

Dear Urban and Housing Studies Specialist:

You are cordially invited to attend the **Canadian Urban and Housing Studies Conference**. This important event will take place at The University of Winnipeg, located in the heart of downtown, on February 18, 19 and 20, 1988.

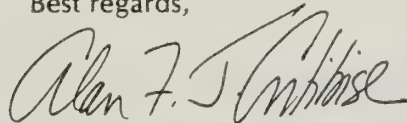
The conference is a major opportunity for researchers and practitioners to communicate their research and experiences and to receive critical analysis of their work. The conference is intended to promote interdisciplinary and comparative perspectives on a wide variety of topics.

The conference programme includes more than 50 sessions with over 150 speakers from the private, public and university sectors and from Canada, the United States, Europe, Africa and New Zealand. We are confident that the wide variety of participants will complement your personal reflections and research in the fields of urban and housing studies.

Enclosed is a detailed conference programme as well as registration and accommodation information. Please note as well the tours we have arranged of key Winnipeg developments and the information outlining the activities and attractions of Winnipeg, "the Bull's Eye of the Dominion."

I look forward to welcoming you to Winnipeg.

Best regards,



Alan F.J. Artibise
Director
Institute of Urban Studies



T. L. S.
C. M. M.
C. M. M.



Canadian Urban and Housing Studies Conference

FEBRUARY 18-20, 1988, THE UNIVERSITY OF WINNIPEG

REGISTRATION FORM

BADGE INFORMATION

Name: _____
SURNAME GIVEN NAMES

Title: _____

Institution: _____

MAILING ADDRESS

PHONE NUMBERS

Daytime _____ Evening _____

Conference Fee

PRE-REGISTRATION/Before December 18

Full Registration (includes banquet)	\$200.00	_____
Daily Registration (excludes banquet)	75.00	_____
Day 1		_____
Day 2		_____
Day 3		_____
Additional Banquet Ticket	35.00	_____
	TOTAL \$	_____

REGISTRATION/After December 18

Full Registration (includes banquet)	\$250.00	_____
Daily Registration (excludes banquet)	100.00	_____
Day 1		_____
Day 2		_____
Day 3		_____
Additional Banquet Ticket	35.00	_____
	TOTAL \$	_____

Reminders

■ Please enclose full fees. Please note that the full registration fee includes the following: entrance to all sessions; Thursday evening reception; Friday evening reception; lunches on Thursday, Friday and Saturday; Friday evening banquet; coffee and juice service throughout the conference; and conference materials ■ Accommodation deadline for special conference rates at the three conference hotels — The Westin Hotel, The Holiday Inn Winnipeg Downtown, and The Relax Inn — is January 1st. Make your reservations early ■ Enclose separate registration form for each delegate ■ Make all cheques payable to the Institute of Urban Studies ■ Registration fees cannot be refunded after January 10, 1988.

Return to:

Canadian Urban and Housing Studies Conference

Institute of Urban Studies, The University of Winnipeg
 515 Portage Avenue, Winnipeg, Manitoba R3B 2E9 CANADA
 Tel: (204) 786-9409

RELAX PLAZA WINNIPEG
ACCOMMODATION REQUEST

Group Name: Institute of Urban Studies, Canadian Urban and Housing Studies
Conference, February 18-20, 1988

Guest Name: _____

Address: _____

Phone: Business _____ Residence _____

Arrival Date: _____ Departure: _____

Type of Room Requested: _____ King _____ King Non-Smoking
(1 King size bed in each room)
_____ Queen _____ Queen Non-Smoking
(2 Queen size beds in each room)
_____ Leisure _____ Leisure Non-Smoking
(1 Queen size bed, 1 Queen pullout)

Method of Payment: Cash _____ Visa _____ Mastercard _____
Enroute _____ American Express _____
Card Number _____
Expiry Date _____
Signature _____

Please note in order to guarantee your room(s) it is necessary to provide us with a credit card or alternatively the cost of one night's accommodation, including tax, at least one month in advance. The group rate of \$45.00 plus 7% sales tax, per room, per night, will be provided to you if you wish to arrive before and/or leave after your event.

Please mail your registration to:

RELAX PLAZA HOTEL
Sales Department
360 Colony Street
Winnipeg, MB R3B 2P3
Tel: toll free 1-800-661-9563
or (204) 786-7011



**MANITOBA
HOME BUILDERS'
ASSOCIATION**



206 - 1120 GRANT AVENUE ☐ WINNIPEG, MANITOBA R3M 2A6 ☐ TELEPHONE: (204) 477-5110

MANITOBA HOME BUILDER'S ASSOCIATION

SUBDIVISION/SHOW HOME TOUR

The Manitoba Home Builders Association, which represents the residential construction industry in Manitoba, has been bringing its members together in support of the industry for over 50 years. Formed in 1937, MHBA's function was to assist builders and suppliers in alleviating problems in planning production runs and inventory. Today, the Association brings together over 260 member builders and associates, dedicated to the provision of quality, affordable housing for all Manitobans.

Bus tours of six of Winnipeg's leading residential housing development projects will provide delegates with a perspective of the realistic considerations made in the planning, implementation and marketing process of new housing.

Two separate tours have been arranged on:

Thursday, February 18, 1988

1:30 p.m. to 3:30 p.m.

- Tour A** **High End Housing Projects**
Tuxedo Estates, Lindenwoods, Whyte Ridge
or
Tour B **Affordable Housing Projects**
Riverbend, Maple Glen, Garden Grove

Registration is limited to 20 delegates per tour, on a first-come, first-serve basis. Early registration is recommended. The charge for a tour is \$5.00 per person. Payment for the tour should accompany conference registration. Registration will also be available at the **Conference Registration Desk** providing there is space available.

* * * * *

Please register me for the Manitoba Home Builder's Tour:

_____ **Tour A - High End Housing Projects** or _____ **Tour B - Affordable Housing Projects**

I have enclosed my registration fee of \$5.00 _____ (Please make cheque payable to the Institute of Urban Studies).

Name: _____

Association: _____

Return to: **Canadian Urban and Housing Studies Conference, Institute of Urban Studies, 515 Portage Avenue, Winnipeg MB R3B 2E9**



A member of the
Canadian
Home Builders'
Association

F O R A C T I O N

4a.

FROM P. KUPPE

DATE October 7, 1987

TO J. THOMPSON

Refer To File No. _____

Attention Of _____

Your File No. _____

SUBJECT


DEMOLITION

RECOMMENDATION

That the Building Commissioner be authorized to issue demolition permits for the demolition of residential buildings as outlined below.

BACKGROUND

1. 20 Brucedale East
2. 32 Brucedale East
3. 34 Brucedale East
4. 36 Brucedale East
5. 38 Brucedale East

A handwritten signature in dark ink, appearing to be 'J. Thompson', is written over the bottom right portion of the page.

DEMOLITION APPLICATIONS

CATEGORY "A" - PROPOSED USE OF

LAND IS PERMITTED BY PRESENT ZONING

DATE: October 7, 1987

[illegible]

PETER C. LAMPMAN, P. ENG.,
DIRECTOR OF PLAN EXAMINATION

FOR ACTION

5a.

FROM E. W. Kowalski, Director
Department of Community Development

TO Planning and Development Committee

DATE 1987 October 07
800-0300
Refer To File No. 800-0016.3

Attention Of _____

Your File No. _____

SUBJECT

Ontario Home Renewal Programme (O.H.R.P.) and Hamilton Rehabilitation Programme (H.A.R.P.)

RECOMMENDATION

That the attached four (4) O.H.R.P. applications and one (1) H.A.R.P. application be submitted to City Council for approval, authorizing the Department of Community Development to process grants/loans in the amount not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme (O.H.R.P.) and pursuant to By-law 78-113 for the Hamilton Rehabilitation Programme (H.A.R.P.).

E. W. Kowalski

BACKGROUND

With respect to the Ontario Home Renewal Programme, attached is a list of four (4) applicants whose applications are currently being processed for grants and/or loans pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applicants to date under the Ontario Home Renewal Programme is three thousand eight hundred and twenty-two (3,822).

With respect to the Hamilton Rehabilitation Programme, attached is a list of one (1) applicant whose application is currently being processed for a loan pursuant to By-law 78-113.

For the information of the members of the Committee, the total number of applicants to date under the Hamilton Rehabilitation Programme is three hundred and thirty-one (331).

Planning and Development
Committee

Ontario Home Renewal Programme

1. J. Kulpaka
315 Cumberland Avenue
2. R. Page
104 Rosedale Avenue
3. W. McPherson
507 Dunsmure Road
4. M. Repton
92 Newlands Avenue

Hamilton Rehabilitation Programme

1. J. Ellis
109 Park Row North



OCT 1987 6a.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 October 05
Name & Title
FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.131 (4505)
TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

**Purchase by the City -
213 Brant Street - Allan Howard Copeland**

RECOMMENDATION

That an Option to Purchase the property at 213 Brant Street duly executed by Allan Howard Copeland on September 30, 1987 and scheduled to close on or before December 4th, 1987 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan I and has a frontage of 35 feet (10.67 metres) by a depth of 80 feet (24.38 metres) comprising an approximate area of 2,800 square feet (260.12m²) with structures erected thereon. The purchase price of \$73,150.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from Allan Howard Copeland for the purchase by the City of part of Lot 68 and part of Lot 67, Plan 471, having a frontage along the northerly limits of Brant Street of 10.67 metres (35 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 260.12 square metres (2,800 square feet) together with all structures erected thereon and known as Municipal No. 213 Brant Street, for the sum of \$73,150.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

BETWEEN: ALLAN HOWARD COPELAND

Hereinafter called "the Owner"
OF THE FIRST PART;In care of Mr. John Blair Anderson
Barrister & Solicitor
42 James Street North, Suite 220
Hamilton, Ontario
THE CORPORATION OF THE CITY OF HAMILTONHereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$ 1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of Lot 68 and Part of Lot 67, Plan 471, having a frontage along the northerly limits of Brant Street of 10.67 metres (35 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 260.12 square metres (2,800 square feet) together with all structures erected thereon and known as Municipal No. 213 Brant Street, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) A attached hereto.

The purchase price of the said property shall be the sum of SEVENTY-THREE THOUSAND, ONE HUNDRED & FIFTY DOLLARS (\$ 73,150.00) of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 3rd day of November 1987, and may be accepted by a letter mailed or delivered to the ~~owner~~/solicitor/~~agent~~ at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 30 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before December 4, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at *Hamilton* this *20th* day of *September* 19*87*.

ALLAN HOWARD COPELAND

SIGNED, SEALED AND DELIVERED
in the presence of

) *Allan H. Copeland* (Seal)
) _____ (Seal)
) _____ (Seal)
) _____ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O.1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Year Month Day
Date _____

Witness

Spouse

(Seal)

9/17/87

SCHEDULE "A"

213 Brant Street
Hamilton, Ontario

Owner's Interest
Allan Howard Copeland

ELEMENTS OF COMPENSATION

Market Value of Realty	\$68,000.00
5% for inconvenience and cost of finding another residence (5% of \$68,000)	\$ 3,400.00
Legal fees, re: 213 Brant St., Mr. J. Anderson	\$ 700.00
Moving allowance	\$ 350.00
Legal fees incurred in acquiring another residence	\$ 700.00

TOTAL COMPENSATION \$73,150.00

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$73,150.00 is full and final payment of all compensation, interest and cost whatsoever which Allan Howard Copeland might be entitled to as a result of the acquisition by The Corporation of the City of Hamilton of the land and buildings known as 213 Brant Street, Hamilton, Ontario.

DATED at Hamilton this 30th day of September 1987.

WITNESS:

Allan Howard Copeland
ALLAN HOWARD COPELAND



OCT

6b.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 October 05
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.100/101(4505)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Purchase by the City -
397/399 Sherman Avenue North - Genevieve Barbara Zaraski

RECOMMENDATION

That an Option to Purchase the property at 397/399 Sherman Avenue North duly executed by Genevieve Barbara Zaraski on October 1, 1987 and scheduled to close on or before December 18, 1987 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan I and has a frontage of 37.50 feet (11.43 metres) by a depth of 90 feet (27.43 metres) comprising an approximate area of 3,375 square feet (313.54m²) with structures erected thereon. The purchase price of \$108,550.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from Genevieve Barbara Zaraski for the purchase by the City of part of Lot 2 and 3, Plan 471, having a frontage along the westerly limits of Sherman Avenue North of 11.43 metres (37.50 feet) more or less by a depth of 27.43 metres (90 feet) more or less, containing a area of 313.54 square metres (3,375 square feet) together with all structures erected thereon and more particularly known as Municipal No.'s 397 and 399 Sherman Avenue North for the sum of \$108,550.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

BETWEEN: GENEVIEVE BARBARA ZARASKI

Mr. Murray McEniry
Barrister & Solicitor
In care of 8 Main Street East, Suite 203
Hamilton, Ontario

Hereinafter called "the Owner"
OF THE FIRST PART;

L8N 1E8
THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part of lots 2 and 3, Plan 471, having a frontage along the westerly limits of Sherman Avenue North of 11.43m (37.50 feet) more or less by a depth of 27.43m (90 feet) more or less, containing an area of 313.54 square metres (3,375 square feet) together with all structures erected thereon and more particularly known as Municipal No.'s 397 and 399 Sherman Avenue North.

Forming part of this Option to Purchase are Schedule(s) "A" attached hereto.

The purchase price of the said property shall be the sum of ONE HUNDRED AND EIGHT THOUSAND, FIVE HUNDRED AND FIFTY DOLLARS (\$108,550.00) of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 3rd day of November 19 87, and may be accepted by a letter mailed or delivered to the ~~owner~~/solicitor/~~agent~~ at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before December 18, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at

Winnipeg

this

1

day of

Oct.

19 *87*.

SIGNED, SEALED AND DELIVERED
in the presence of

[Signature]

) GENEVIEVE BARBARA ZARASKI
) *[Signature]* (Seal)
) _____ (Seal)
) _____ (Seal)
) _____ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O.1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Year Month Day
Date _____

Witness

Spouse

(Seal)

9/17/87

397-399 Sherman Avenue North
Hamilton, Ontario

SCHEDULE "A"

Owner's Interest
GENEVIEVE BARBARA ZARASKI

ELEMENTS OF COMPENSATION

Market value of realty	\$103,000.00
5% for inconvenience and cost of finding another residence (5% of \$53,000.00)	\$ 2,650.00
Moving allowance	\$ 700.00
Legal fees re: 397/399 Sherman Avenue North Mr. M. McEniry	\$ 1,100.00
Legal fees incurred in acquiring another property	\$ 1,100.00

TOTAL COMPENSATION \$108,550.00

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the Owner has permission to remove and retain the kitchen cupboards, sink and 2 drawer cupboards attached to the wall in the storage area from 397 Sherman Avenue North, along with a 3 door upper set of white cupboards from 399 Sherman Avenue North.

It is also understood and agreed that the amount of \$108,550.00 is full and final payment of all compensation, interest and cost whatsoever which Genevieve Barbara Zaraski might be entitled to as a result of the acquisition by the Corporation of the City of Hamilton of the land and buildings known as 397 and 399 Sherman North, Hamilton, Ontario

DATED at 1000 this 1 day of OCT 1987.

WITNESS:

Mrs. G. Zaraski
GENEVIEVE BARBARA ZARASKI



1987 - 1067

6c.

THE CORPORATION OF THE CITY OF HAMILTON

FROM Mr.D.W.Vyce, Director of Property DATE 1987 October 06
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.125(4505)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Purchase by the City
14 Gerrard Street - Albert Wilson and Marion Wilson

RECOMMENDATION

That an Option to Purchase the property at 14 Gerrard Street duly executed by Marion Wilson and Albert Wilson on October 3, 1987 and scheduled to close on or before December 17, 1987 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 24 feet (7.315 metres) by a depth of 80 feet (24.38 metres) comprising an approximate area of 1,920 square feet (178.368 square metres) with structures erected thereon. The purchase price of \$62,450.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from Marion Wilson and Albert Wilson for the purchase by the City of part of Lot 36, Plan 471, having a frontage along the southerly limits of Gerrard Street of 24 feet (7.315 metres) more or less, by a depth of 80 feet (24.38 metres) more or less, containing an area of 1,920 square feet (178.368m²) more or less, together with all structures erected thereon and known as Municipal Number 14 Gerrard Street, for the sum of \$62,450.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

MARION WILSON
ALBERT WILSON

BETWEEN:

Jane Milanetti
Barrister & Solicitor
In care of 100 Main Street East, 39th Floor
Hamilton, Ontario

Hereinafter called "the Owner"
OF THE FIRST PART;

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$ 1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lot 36, Plan 471, having a frontage along the southerly limits of Gerrard Street of 7.315 metres (24 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 178.368 square metres (1,920 square feet) more or less, together with all structures erected thereon and known as Municipal No. 14 Gerrard Street, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) "A" attached hereto.

The purchase price of the said property shall be the sum of SIXTY-TWO THOUSAND-FOUR HUNDRED AND FIFTY DOLLARS (\$ 62,450.00) of lawful money of Canada.

The sum of \$1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 3rd day of November 19 87, and may be accepted by a letter mailed or delivered to the ~~owner~~/solicitor/agent at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before December 17, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at *Cambridge* CCT this 3 day of SAT 1987.

SIGNED, SEALED AND DELIVERED
in the presence of

R. W. Shearby

MARION WILSON
ALBERT WILSON

) *Marion Wilson* (Seal)
) *Albert Wilson* (Seal)
) _____ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O.1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Date Year Month Day

Witness

Spouse

(Seal)

9/17/87

SCHEDULE "A"

14 Gerrard Street
Hamilton, Ontario

Owner's Interest
ALBERT WILSON
MARION WILSON

ELEMENTS OF COMPENSATION

Market value of realty	\$58,000.00
5% for inconvenience and the cost of finding another residence(5% of \$58,000.00)	\$ 2,900.00
Legal fees re: 14 Gerrard - Jane Milanetti	\$ 600.00
Moving allowance	\$ 350.00
Legal fees incurred in acquiring another residence	\$ 600.00
 TOTAL COMPENSATION	 <u>\$62,450.00</u>

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the owners have permission to remove and retain the front hallway chandelier, livingroom fan light and kitchen light.

It is also understood and agreed that the amount of \$62,450.00 is full and final payment of all compensation, interest and cost whatsoever which Albert and Marion Wilson might be entitled to as a result of the acquisition by the City of Hamilton of the land and buildings known as 14 Gerrard Street, Hamilton, Ontario.

Continued

In consideration of The Corporation of the City of Hamilton closing the purchase of our property at 14 Gerrard Street, Hamilton, Ontario, on December 17, 1987 and allowing us to remain in possession of the property for the sole purpose of redecorating our newly acquired property, we the undersigned acknowledge that we have surrendered the right of possession of these premises. We further agree to allow the Corporation of the City of Hamilton to hold back \$1,000.00 to guarantee that the property at 14 Gerrard Street, Hamilton, Ontario including all buildings and fixtures, will be surrendered to you in good condition by 12:00 noon, December 23, 1987.

LAM LTON

DATED at OCT this 3 day of SAT. 1987.

WITNESS:

R. Sheasby

Albert Wilson
ALBERT WILSON

R. Sheasby

Marion Wilson
MARION WILSON



6d.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 October 07
Name & Title
FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.96(4507)
TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

**Purchase by the City of 386 Birch Avenue from
Carrier Canada Limited, Mortgagee in Possession**

RECOMMENDATION

That an Option to Purchase 386 Birch Avenue dated October 21, 1986 and executed by F. Pilgrim and Company Limited, which was approved by City Council on November 11, 1986 as Item 18 of the 24th Report of the Planning and Development Committee be rescinded and, that a new Option to Purchase document executed on October 2nd, 1987 by Carrier Canada Limited, Mortgagee in Possession which is scheduled for closing on or before December 21, 1987 be completed.

This property required in connection with the acquisition of lands in the Alpha Enclave (Plan 4) has a frontage of 8.543 metres (28.028 feet more or less), by an irregular depth and comprising an area of 191.5m² (2,061.356 square feet more or less) with structures erected thereon. The purchase price of \$30,500.00 in accordance with Schedule "A" attached is to be charged to account number 0280-35 and demolition is to take place upon closing.

BACKGROUND

The previous purchase of this property agreed to by City Council and scheduled for closing December 18, 1986 was extended to January 18, 1987 then February 18, 1987 and finally March 2, 1987 without success. The Vendor's solicitor was apparently frustrated in completing the transaction by the disappearance of his client, who was having financial difficulties.

This agreement with Carrier Canada Limited, Mortgagee in Possession will insure that the City obtains title to one of the last remaining properties necessary for the Alpha Enclave Industrial Development.

Atch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

CARRIER CANADA LIMITED
BETWEEN: MORTGAGEE IN POSSESSION

Hereinafter called "the Owner"
OF THE FIRST PART;

In care of Mr. Chris Huband
Barrister & Solicitor
Box 25, Commerce Court West
Toronto, Ontario, M5L 1A9
THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

2 In consideration of the sum of ONE DOLLARS (\$ 1.00-) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of Part of Lots 11 and 12 Registered Plan 547, having a frontage along the Easterly limits of Birch Avenue of 8.543 metres (28.028 feet more or less), by an irregular depth and comprising an area of 191.5m² (2061.356 square feet more or less). The said lands together with buildings located thereon are known as 386 Birch Avenue, Hamilton.

Forming part of this Option to Purchase are Schedule(s) "A" attached hereto.

The purchase price of the said property shall be the sum of Thirty Thousand Five Hundred Dollars DOLLARS (\$ 30,500.00 of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 3rd day of November 19 87, and may be accepted by a letter mailed or delivered to the owner/solicitor/agent at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 30 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before December 21, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

It is understood and agreed that the Vendor shall pay the total cancellation price relative to tax arrears certificate registered against the property as Instrument Number 389387 C.D. before December 1, 1987 or this agreement shall be null and void.

DATED at

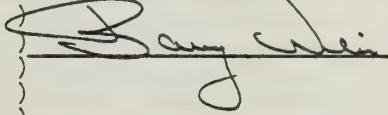
this

day of

19

CARRIER CANADA LIMITED MORTGAGEE IN POSSESSION

SIGNED, SEALED AND DELIVERED
in the presence of

 (Seal)
(Seal)
(Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O.1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Year Month Day

Date

Witness

Spouse

(Seal)

9/17/87

SCHEDULE "A"

Property Address

386 Birch Avenue

Owner's Interest

CARRIER CANADA LIMITED
MORTGAGEE IN POSSESSION

ELEMENTS OF COMPENSATION

Market Value of Realty	\$30,000.00
Legal Fees	\$ 500.00

TOTAL COMPENSATION	<u>\$30,500.00</u>
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Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.


Miscellaneous:

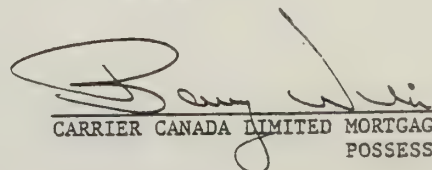
Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$30,500.00 is in full and final payment of all compensation whatsoever which CARRIER CANADA LIMITED MORTGAGEE IN POSSESSION might be entitled to as a result of the purchase by The Corporation of the City of Hamilton of the land and buildings known as 386 Birch Avenue, Hamilton, Ontario.

DATED at Reville this 21st day of October 19 81.

WITNESS:




CARRIER CANADA LIMITED MORTGAGEE IN
POSSESSION

SEP 28 1987

SEP 28 1987



6e.

THE CORPORATION OF THE CITY OF HAMILTON

FROM Mr.D.W.Vyce, Director of Property DATE 1987 September 25
Name & TitleFOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.112(4505)TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
CommitteeSUBJECT

Purchase by the City
13 Gerrard Street - Stella Miksza

RECOMMENDATION

That an Option to Purchase the property at 13 Gerrard Street duly executed by Stella Miksza on September 23, 1987 and scheduled to close on or before March 1, 1988 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 19 feet (5.79 metres) by a depth of 97.1 feet (29.59 metres) comprising an approximate area of 1,845 square feet (171.39m²) with structures erected thereon. The purchase price of \$44,950.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from Stella Miksza for the purchase by the City of part of Lots 52 and 53, Plan 471 having a frontage along the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less, by a depth of 29.59 metres (97.1 feet) more or less, containing an area of 171.39m² (1,845 square feet) more or less, together with all structures erected thereon and known as Municipal Number 13 Gerrard Street, for the sum of \$44,950.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

BETWEEN: STELLA MIKSZA

Hereinafter called "the Owner"
OF THE FIRST PART;

In care of Mr. E. Cain
Barrister & Solicitor
340 Main St. E., Hamilton, Ontario, L8N 1J1
THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$1.00--> paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lots 52 and 53 Plan 471 having a frontage along the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less, by a depth of 29.59 metres (97.1 feet) more or less, containing an area of 171.39 m² (1,845 square feet) more or less, together with all structures erected thereon and known as Municipal No. 13 Gerrard Street, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) A attached hereto.

The purchase price of the said property shall be the sum of FORTY-FOUR
THOUSAND NINE HUNDRED & FIFTY DOLLARS (\$44,950.00--
of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 3rd day of November 19 87, and may be accepted by a letter mailed or delivered to the ~~owner~~/solicitor/~~agent~~ at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before February 15, 1988 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at Hamilton this 23rd day of September 19 87

SIGNED, SEALED AND DELIVERED
in the presence of

Barry Dyck

) STELLA MIKSZA
) Stella Miksza (Seal)
) _____ (Seal)
) _____ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O.1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Date Year Month Day

Witness

Spouse

(Seal)

9/17/87

SCHEDULE "A"

13 Gerrard Street
Hamilton, Ontario

Owner's Interest
Stella Miksza

ELEMENTS OF COMPENSATION

Market Value of Realty	\$42,000.00
5% for the inconvenience and cost of finding another residence (5% of \$42,000)	\$2,100.00
Legal fees re: 13 Gerrard St. & Mr. E. Cain	\$ 500.00
Moving Costs	\$ 350.00
TOTAL COMPENSATION	<u>\$44,950.00</u>

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$44,950.00 is full and final payment of all compensation, interest and cost whatsoever which Stella Miksza might be entitled to as a result of the acquisition by the Corporation of the City of Hamilton of the land and buildings known as 13 Gerrard Street, Hamilton, Ontario.

DATED at Hamilton this 23rd day of September 1987.

WITNESS:

[Signature]

[Signature]
STELLA MIKSZA

I.D. #0067D (54)

F O R A C T I O N

7
70
SEP 29 1987

FROM Department of Engineering

DATE September 24, 1987

TO Planning and Development Committee

Refer to File No. S720-16

Attention Of K. A. Brenner

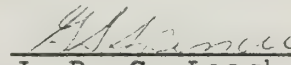
Your File No. _____

SUBJECT

"TEMPLEMEAD NO. 2 SURVEY - PHASE 4", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

The Corporation of the City of Hamilton accept the sum of \$11,794.62 as cash payment in lieu of 5% dedication in connection with "TEMPLEMEAD NO. 2 SURVEY - PHASE 4", Hamilton, this being the cash requirement under Section 50 of the Planning Act.



J. R. G. Leach
for Commissioner of Engineering

BACKGROUND

The owners of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$11,794.62.

*Note: These lands are located west of Upper Ottawa Street and North of Rymal Road in the Templemead Neighbourhood, Hamilton.

 DVC:sw

cc: D. Consoli, City Treasury Dept.
cc: P. Shen, City Solicitor's Office

SEP 29 1987

7b.

FROM Department of Engineering

DATE September 24, 1987

TO Planning and Development Committee

Refer to File No. S712-21

Attention Of K. A. Brenner

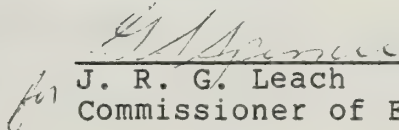
Your File No. _____

SUBJECT

"LOCONDER GARDENS", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

The Corporation of the City of Hamilton accept the sum of \$3,766.00 as cash payment in lieu of 5% dedication in connection with "LOCONDER GARDENS", Hamilton, this being the cash requirement under Section 50 of the Planning Act.


J. R. G. Leach

Commissioner of Engineering

BACKGROUND

The owners of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$3,766.00.

*Note: These lands are located east of Upper Gage Avenue and South of the proposed Mountain Freeway in the Quinndale Neighbourhood, Hamilton.

DVC:sw

cc: D. Consoli, City Treasury Dept.
cc: P. Shen, City Solicitor's Office

SCHEDULE "A"

M-2778-B

PLAN OF LOCONDER GARDENS

PHOTO LOT 6 CONCESSION 7

TOWNSHIP OF HAMILTON

SCALE 1"=500'

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LAND PL (S) 014

LAND PL (S) 014

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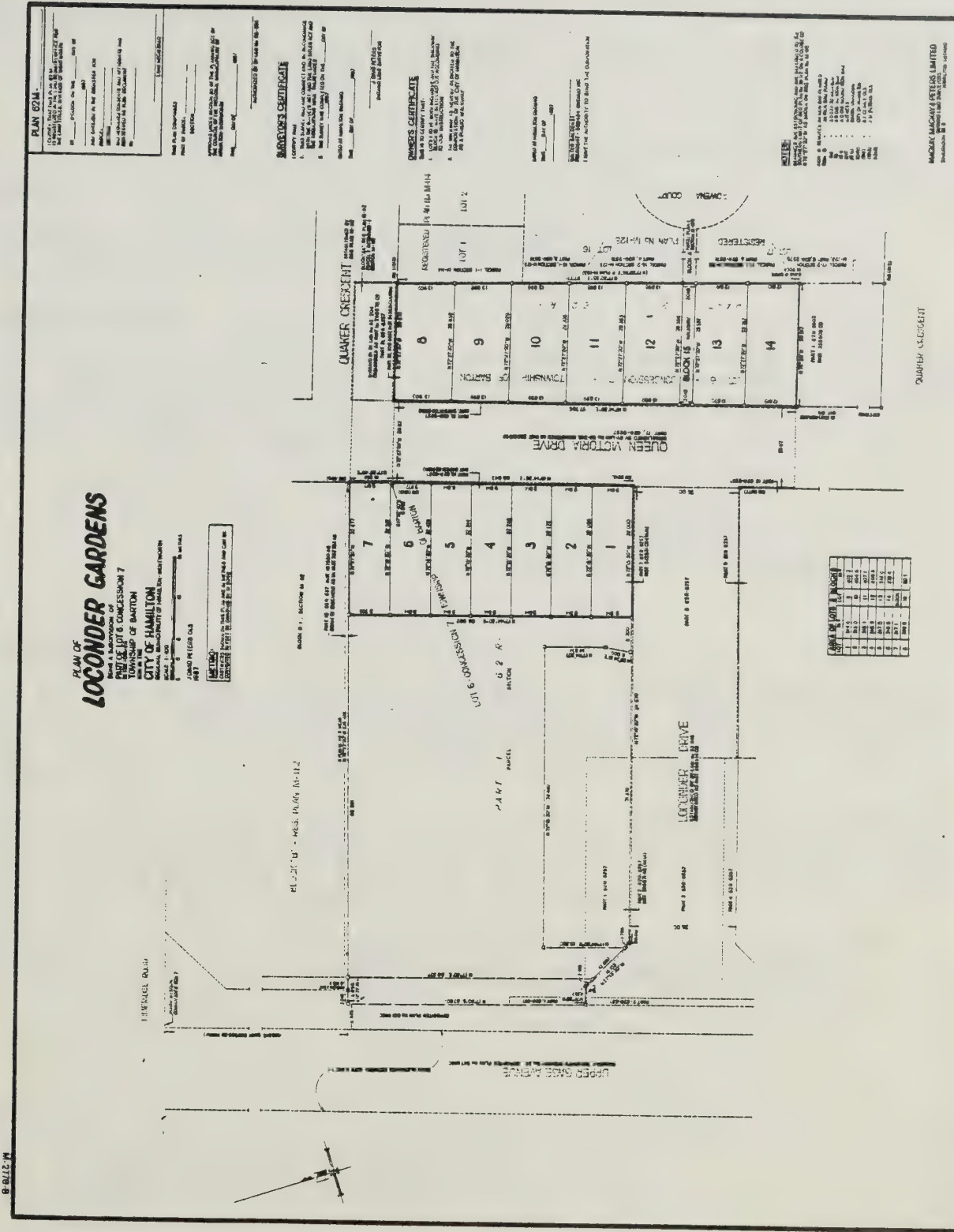
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M-2778-B

SEP 29 1987

7c.

FROM Department of Engineering
TO Planning and Development Committee

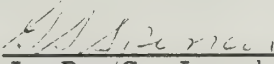
DATE September 24, 1987
Refer to File No. S722-10
Attention Of K. A. Brenner
Your File No. _____

SUBJECT

"VIGNATICO VILLAGE - PHASE 1", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

The Corporation of the City of Hamilton accept the sum of \$4,056.64 as cash payment in lieu of 5% dedication in connection with "VIGNATICO VILLAGE - PHASE 1", Hamilton, this being the cash requirement under Section 50 of the Planning Act.




J. R. G. Leach
Commissioner of Engineering

BACKGROUND

The owners of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$4,056.64.

*Note: These lands are located west of Upper Gage Avenue and North of Rymal Road in the Eleanor Neighbourhood, Hamilton.

 DVC:sw

cc: D. Consoli, City Treasury Dept.
cc: P. Shen, City Solicitor's Office

7d.
SEP 29 1987

I.D. #0043D (40)

F O R A C T I O N

FROM Department of Engineering DATE September 22, 1987
TO Planning & Development Committee Refer to File No. S707-36
Attention Of K. A. Brenner
Your File No. _____

SUBJECT

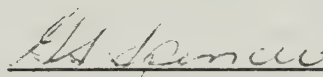
Gilkson Woods Addition - Phase 2, Grading

RECOMMENDATION

The lot grading in Gilkson Woods Addition, Phase 2, Plan 62M-363 be accepted as satisfactory.

NOTE

The grading in this single family subdivision is satisfactory except for a dispute between two land owners, which does not affect any other property.


for J. R. G. Leach
Commissioner of Engineering

ANALYSIS

The City entered in 1983 into a subdivision agreement with Stanlow Holdings Ltd. for a 27 single family lot subdivision in the Upper Paradise Road area.

Cont'd

- Page 2 -
September 22, 1987

Gilkson Woods Addition - Phase 2, Grading

Cont'd

All grading matters in this subdivision have been cleared up except for two lots. The subdivider has on a number of occasions attempted to resolve it and the consultants and City Hall staff have spent in the vicinity of 20 hours trying to clear up the matter.

The difficulty lies in the fact that the two land owners cannot agree on a reasonable solution to the problem. As a matter of fact, the last time the subdivider undertook some work, one owner appears to have altered the elevation within 24 hours of the corrective work being done.

In any event, the dispute does not involve any other property line, does not cause any damage, does not result in any water ponding and involves elevation differences of a few centimetres.

For the above stated reasons the Legal Department and Engineering Department recommend that no further action be taken on the matter.

KB:mm

c.c. Legal Department, City Hall
Att: Lorne Farr

OCT - 2 1987

8a.

F O R A C T I O N

FROM P.M. Eker, Acting City Solicitor DATE 1987 September 30
TO Chairman and Members Refer To File No. 100-1.376 (A)
Planning and Development Committee Attention Of P.R.A. Hooker
Attn: Mr. J. D. Thompson, Secretary Your File No. _____


OCT - 2 1987

SUBJECT

City vs Sam Henson Apartments Ltd., Dr. R. G. Stopps, et al
252, 262, 268 James Street South - The Building Code Act

RECOMMENDATION

That the legal costs of Dr. R. G. Stopps on his \$65,000 counterclaim, in the above City action, be settled by the City's payment of \$300 to Wilkins, Wynne & Horodyski, in trust, in exchange for his Consent to Dismissal of the counterclaim by him.



P. M. Eker
Acting City Solicitor

BACKGROUND

In the Spring of 1986, the Building Department discovered Building Code non-compliances in the corporate land owner's conversion of the above buildings from residential to commercial office uses. Various prosecutions under the above Act did not achieve actual compliance, with the result that the Building Commissioner instructed the City Solicitor to launch application for a higher court order concerning the owner's defaults. The nature of the application required that occupiers of the buildings also be made parties respondent to the City's application.

Other than the owner, only Dr. R. G. Stopps formally responded to the City's application. He asserted a counterclaim against the owner and the City for \$65,000 for allegedly failing to give him advance warning of deficiencies in the building before the establishing and furnishing of his offices.

As a result of cross-examinations and developments in companion court cases, in early 1987 the Building Commissioner directed that the City's application be terminated. This was done, on a without costs basis, as between the City and the

landowner, however, Dr. Stopps' counsel, who prepared court documents, correspondence, attended on the cross-examination and generally participated in the matter, insists on payment of his client's costs of at least \$300. This figure is very reasonable, since he could "tax" significantly more money before a court assessing official if this proposal is not approved. We therefore recommend as above.

The payment could be made from account No. 0325-02
(Disbursements re Hearings, etc.).



9a.

THE CORPORATION OF THE CITY OF HAMILTON

FROM L. G. Saltmarsh, Fire Chief DATE September 23, 1987
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. _____

TO: CITY COUNCIL ☐ (OR) Planning and Development ☒
Committee

SUBJECT Provision of access roads and water supplies for fire protection
in areas containing new home construction sites.

RECOMMENDATION

That the City Solicitor be authorized and directed to amend City of Hamilton Subdivision agreements by adding the following:

- (a) that the Building Commissioner shall not issue a building permit before the regional water supply for fire protection is available and operational and an access road acceptable to the City has been provided; and
- (b) that the City Solicitor also be authorized and directed to draft a by-law confirming the above.

Notwithstanding the foregoing, the Building Commissioner may issue building permits for a maximum of six (6) model homes per Subdivision.

BACKGROUND

A recent \$10 million dollar fire in Markham, Ontario where more than 100 homes under construction were destroyed was just one of a series of such incidents which have occurred in the past 18 months where inadequate water supply was considered a major factor.

Subsequent to the Markham fire, the Hamilton Fire Department has been investigating the availability of water on new construction sites, and we have determined that a serious water supply problem does exist in some areas.

It is our view that adoption of the recommendation contained herein would greatly reduce the potential for large loss fires to occur on construction sites.

It should be noted that the above referenced by-law would enable the Building Commissioner to refuse to issue a permit in accordance with provisions of the Ontario Building Code.

Staff have met with representatives of the Hamilton and District Home Builders Association and discussed various alternative methods of dealing with this situation.

Alternatives considered included:

- permitting 10% of new homes to be completed without water and roads
- allowing construction within 400 feet of an existing charged hydrant
- permitting construction to proceed to the sub-floor
- requiring every sixth house to be bricked in to act as a fire break prior to proceeding with the framing for additional houses.

While it is recognized that all or most of the alternatives are feasible, these proposals were rejected on the basis that they are much more difficult to administer and would necessitate the acquisition of additional staff.

10a

FOR INFORMATION

FROM Lou Sage, Chief Administrative Officer **DATE** 1987 October 01
TO Planning and Development Committee **Refer To File No.** 865-0001
Attention Of _____
Your File No. _____

SUBJECT

Construction of Homes on Guildwood Drive

BACKGROUND

A meeting was convened with Mr. N. Welch and Mr. J. Morganti, P. Eng., concerning the complaints received by the Planning and Development Committee from nearby homeowners.

The problem involves both the Developer and any current owners of the applicable properties who are not applying correct engineering to the grading and drainage pattern in the subdivision. The major issue with the property owners backing onto the Developer's lands is primarily one of aesthetic as individual homeowners seem to be taking a different approach to the installation of retaining walls.

The Developer, Mr. Welch has made a commitment that he will meet with the various builders to ensure that good engineering practice is applied to the retaining wall and drainage plans. The Developer and his Engineer will present amended plans based on the agreement reached by the Developer and the individual builders to the Planning and Development Committee. Hopefully these plans will prove satisfactory to all persons residing in that particular neighbourhood.

The meeting with the Developer, his Engineer and our staff revealed that there were certain communication difficulties between the Developer, his Engineer and Lawyer. The meeting resulted in the Developer becoming convinced that the problem should be rectified prior to winter.

2. VICK 2

Attention Of **V. J. Abraham**

SUBJECT

RECOMMENDATION


1. That Zoning Application ZA-86-15, Ashok Kumar, owner, requesting a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, to permit a self-serve gasoline station and car wash, for the lands located on the west side of Upper Sherman Avenue in the area north of Limeridge Road East, shown on the attached plan marked as APPENDIX "A", be denied for the following reasons:
 - a) The proposal is incompatible and would conflict with existing and proposed development in the surrounding area comprised primarily of single-family and two-family dwellings;
 - b) The proposal to extend the commercial use by 24.384 m (80.0 ft.) into a new subdivision development represents an undesirable intrusion of a commercial use into the residential area. In this regard, the proposed car wash bays, vacuum cleaning machines and the parking and manoeuvring area would directly abut the side yard of one of the new lots in the subdivision development.
 - c) The proposal represents an over-intensification of land use, in that it would necessitate numerous variances to the supplementary requirements of Zoning By-law No. 6593 for service stations and car washes.

2. That consideration be given to an amended zoning application to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the rear 24.384 m (80.0 ft.) portion of the site, and to "G" (Neighbourhood Shopping Centre, etc.) District, modified for the balance of the holding fronting onto Upper Sherman Avenue to permit:

- a barber shop or hairdressing establishment;
- a bank
- a dry cleaning establishment
- a neighbourhood convenience store; or,
- a business, professional person or medical office.

Should the applicant decide to amend the application on the basis of the foregoing, it will be necessary to recircularize the application.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Ashok Kumar, owner

LOT SIZE AND AREA

The lands have a total:

- frontage of 30.48 m (100.00 ft.) on Upper Sherman Avenue;
- depth of 56.97 m (183.0 ft.); and,
- area of 1,699.87 m² (18,297.84 sq.ft.).

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>Subject Lands</u>	Gas bar and auto body shop	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	semi-detached dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the south	single family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

to the east	single family dwellings	"C" (Urban Protected Residential, etc.) and "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the west	vacant lands and single-family dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A", the proposal does not comply. Approval of the proposal would require an Official Plan Amendment to redesignate the subject lands from "Residential" to "Commercial".

NEIGHBOURHOOD PLAN

Designated "Single and Double" Residential on the approved Thorner Neighbourhood Plan. An amendment to redesignate the subject lands to "Commercial" would be required if the application is approved.

RESULTS OF CIRCULARIZATION

- The Building Department have advised that the zoning is subject to Sections 14A(1)(d), 14(1)(xvii), and Section 18(3)(ivd) and (ivc) of Zoning By-law No. 6593
- The Traffic Department, The Hamilton-Wentworth Engineering Department and the Hamilton Region Conservation Authority have no comments or objections.

BACKGROUND

- The property located at No. 1094 Upper Sherman Avenue is currently an existing legal non-conforming auto body repair shop. It is the applicants intention to redevelop the site in accordance with the attached site plan (see APPENDIX "B") to permit:
 - a self-serve gas bar;
 - a coin-operated manual car wash, having six stalls; and,
 - an office/kiosk in the same building with the car wash stalls.
- On April 9, 1986, the Planning and Development Committee tabled the application at the request of Alderman Merling to obtain the names of the persons who recently purchased the lots in the new subdivision, west of the subject lands so they may be contacted for the public meeting.

- On January 25, 1987, Mr. Kumar sent a letter to the Planning Department requesting that his application be amended, as the owner of lands abutting to the north which were to be part of a land exchange with the applicant for development of this site, were sold for residential purposes which altered the proposed site configuration.
- On February 13, 1987, the Planning Department sent a letter to Alderman Merling requesting direction regarding rehearing of the application.
- On April 29, 1987, the Planning Department sent a second letter requesting further direction of this matter.
- On August 20, 1987, the applicants solicitor, John Z. Ulenski, wrote to the Planning Department requesting that the item be reheard at the earliest opportunity.

COMMENTS

1. The proposal does not comply with the Official Plan, and would require an amendment to redesignate the subject lands from "Residential" to "Commercial".
2. The proposal conflicts with the intent of the Thorner Neighbourhood Plan which designates the subject property as "Single and Double" Residential. Approval of the proposal would require a redesignation of the subject lands to "Commercial".
3. Although the proposal may be less offensive than the existing auto body repair shop, the proposal cannot be supported for the following reasons:
 - It would be incompatible and out of character with existing and proposed development in this area comprised primarily of single-family and two-family dwellings.
 - It represents an undesirable intrusion of a commercial use into a new subdivision development. In this regard, the side yard of Lot 13 on Registered Plan M-5R (Sherman-Oakes, Phase 4) would overlook the area to be occupied by the 6 car wash bays, the 2 vacuum cleaning machines and the area used for parking and manoeuvring.
 - It represents an overintensification of land use in that the preliminary site plan submitted with the application would require the following variances:
 - i) a front yard of a depth of at least 6.0 m (19.69 ft.), whereas a front yard of at least 12.0 m (39.37 ft.) is required (Section 14A(3)(a));
 - ii) a side yard of a width of at least 3.0 m (9.84 ft.) along the southerly lot line, whereas a side yard of at least 4.5 m (14.76 ft.) is required (Section 14A(3)(b));

- iii) a rear yard of a depth of at least 3.0 m (9.84 ft.), whereas a rear yard of at least 6.0 m (19.69 ft.) is required (Section 14A(3)(c));
- iv) a minimum 3.0 m (9.84 ft.) building setback from the adjoining residential districts along the southerly and westerly lot lines, whereas a minimum building setback of 6.0 m (19.69 ft.) is required (Section 18(3)(ivc)(a), 18(3)(ivd) and 18(3)(ive)(b)); and,
- v) a sign and gasoline pump would be located 6.0 m (19.69 ft.) from a street line, whereas a minimum 12.0 m (39.37 ft.) setback is required (Section 18.(3)(ivc)(e) and 18.(ive)(c)).

In view of the above, it is not compatible with existing land uses in the surrounding area which includes single-family and semi-detached dwellings.

4. From a land use perspective, discontinuance of the legal non-conforming auto body repair shop is desirable. Therefore, it would be appropriate to support a modification in zoning to permit the redevelopment of the front portion of the site occupied by the existing auto body shop for neighbourhood commercial uses such as:
- o a barber shop or hairdressing establishment;
 - o a bank;
 - o a dry cleaning establishment;
 - o a neighbourhood convenience store; or,
 - o a business, professional person or medical office.

The rear 24.384 m (80.0 ft.) of the site should be appropriately rezoned to "C" (Urban Protected Residential, etc.) District and developed for single-family dwelling in conjunction with the Sherman Oaks Phase 4 draft plan of subdivision.

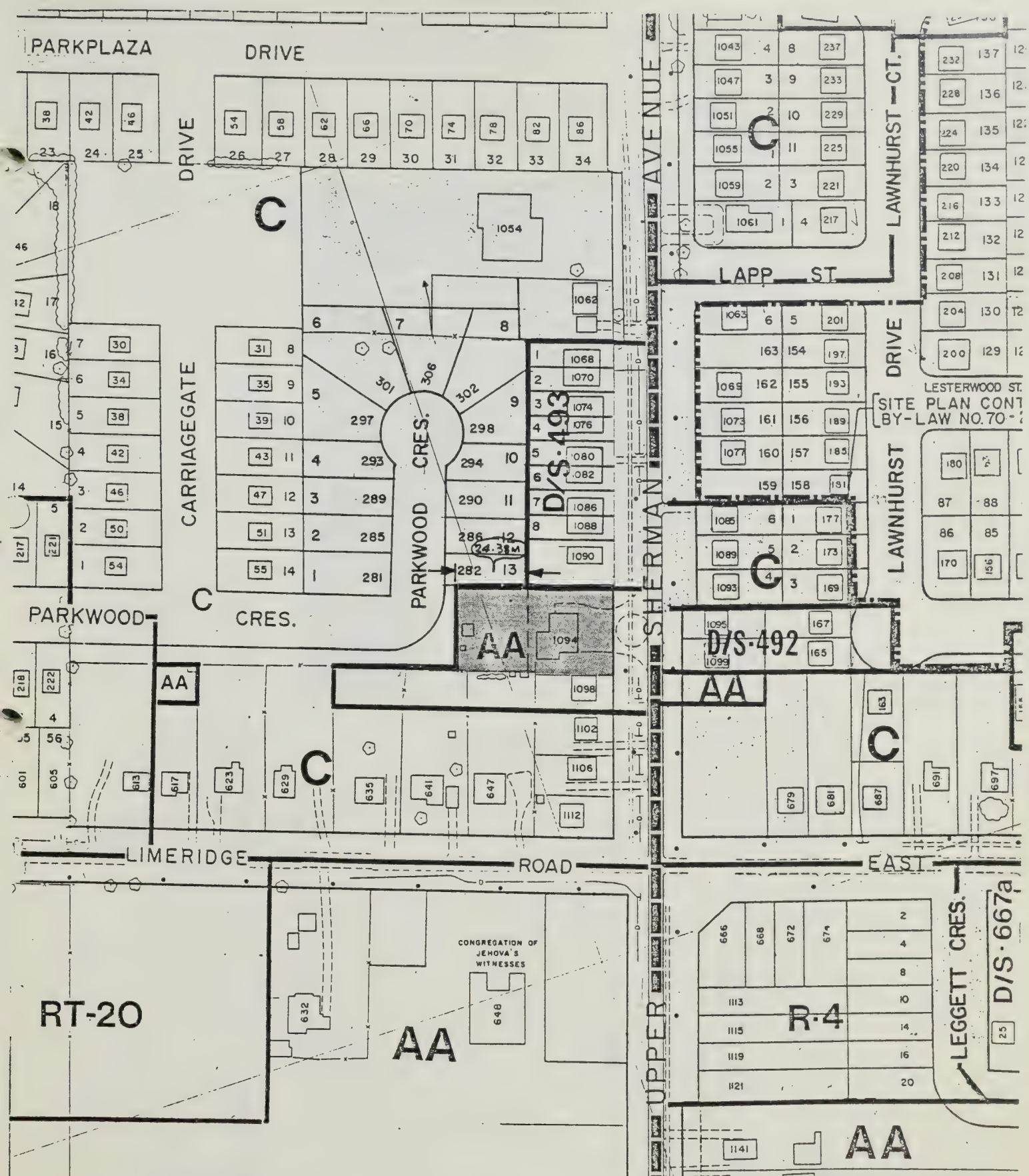
Should the applicant wish to proceed with redevelopment of the site for neighbourhood commercial uses, a revised zoning application should be submitted.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

GAW/jd

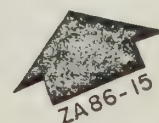
WP DOC 0420P



LEGEND



SITE OF APPLICATION



Existing
is 103 ft
Property Line

EXIST. 12" S. SANITARY SEWER

EXIST. STORM MAIN
CONC. 42" Ø
INVERT 658.30

EXIST. 15" Ø STORM SEWER

UPPER SHERMAN AVENUE

EXIST. WATERMAIN

Connect to
existing
storm sewer

1.0%

CONCRETE STORM SEWER 12" Ø

1.0%

CONCRETE SIDEWALK

PROPOSED 12" Ø CONCRETE SIDEWALK

PROPOSED 12" Ø CONCRETE SIDEWALK

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PROPOSED 12" Ø CONCRETE SIDEWALK

PROPOSED 12" Ø CONCRETE SIDEWALK



N 70° 55' 15" W 183'

VAC. 10'-0"

VAC. 10'-0"

VAC. 10'-0"

VAC. 10'-0"

VAC. 10'-0"

N 17° 39' 15" E 100'

PROPOSED 8" Ø PVC DRAIN PIPE TO GREASE INTERCEPTOR

671.00

PROPOSED 6-BAY CAR WASH

N 70° 36' 15" W 183'

Existing 30" Post & Rail Fence

12.

FOR ACTION

TO Planning and Development Committee
FROM Planning and Development Department

DATE October 6, 1987

Refer to File No. ZA-86-93
AINSLIE WOOD
NEIGHBOURHOOD

Refer to V. J. Abraham

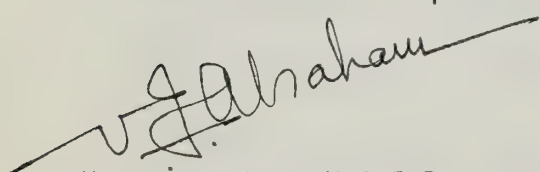
SUBJECT

Request for a change in zoning from "A" (Conservation, Open Space, Park and Recreation) District to "H" (Community Shopping and Commercial, etc.) District, modified, for the property located on the west side of Ewen Road, in the area south of Main Street West. The purpose of the proposed modification is to permit the development of the subject lands for a 3 storey, 2,900 m² (31,216.36 sq.ft.) medical centre.

RECOMMENDATION

That Zoning Application ZA-86-93, Subhash Dighe, owner, requesting a change in zoning from "A" (Conservation, Open Space, Park and Recreation) District to "H" (Community Shopping and Commercial, etc.) District, modified, to permit the development of the subject lands for a 3 storey, 2,900 m² (31,216.36 sq.ft.) medical centre, for the property located on the west side of Ewen Road, in the area south of Main Street West as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:

- a) It requires major variances to the front, rear, side yards, parking and loading spaces and access to the subject lands. Accordingly, the proposed development represents an over intensification of land use.
- b) The proposed use requires 123 on-site parking spaces in accordance with By-law No. 6593. The applicant intends to provide only 20 on site spaces and 49 off-site spaces under a lease arrangement with Ontario Hydro.
- c) The proposed leased parking arrangement on the adjacent hydro corridor is unacceptable. Leases are unenforcable since they may be cancelled by one or both parties at any time. The elimination of a large number of the required parking spaces would create overflow parking onto adjacent streets. In addition, approval of a lease arrangement for required on-site parking located off-site will set an undesirable precedent for future similar requests.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

APPLICANT

Subhash Dighe, owner

LOT SIZE AND AREA

An irregularly shaped lot with:

- o 72.33 m (237.3 ft.) of lot frontage on Ewen Road;
- o 9.795 m (32.14 ft.) to 21.51 m (70.57 ft.) of lot depth;
- o 1,098.5 m² (11,824.5 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"A" (Conservation, Open Space, Park and Recreation) District
<u>Surrounding Lands</u>		
to the north and the west	vacant	"A" (Conservation, Open Space, Park and Recreation) District
to the south	TH&B Railway Track, DARTS office	"M-14" (Prestige Industrial) District
to the east	industry	"J" (Light and Limited, Heavy Industry) District

OFFICIAL PLAN

The subject lands are designated "Utilities" on Schedule "A".

However, according to Policy D.8.2, the land use designations on Schedule "A" are intended to be general and not to define exact limits of any land use or policy. Minor adjustments may be made to the boundaries in the Zoning By-law without necessity of further amendment to the Official Plan. On this basis, a minor adjustment to the "Industrial" designation to the east is permitted.

Based on the foregoing, the proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "Utilities" in the approved Anslie Wood Neighbourhood Plan. A redesignation from "Utilities" to "Commercial" is required to permit the proposal.

BACKGROUND

The owner intends to construct a 3 storey medical office with approximately 2,900 m² (which includes the 576 m² for a parking garage).

The proposed use requires 123 parking spaces, whereas the applicant intends to provide 69, a shortfall of 54 spaces or 44%.

In addition, he intends to provide only 20 spaces on site (within the building) and the remaining 49 on the Ontario Hydro corridor to the west under a long term lease arrangement.

COMMENTS RECEIVED

- o The Building Department has advised that several variances are required (see attached letter).

- o The Hamilton-Wentworth Engineering Department has advised in part that:

"According to our records, the existing road allowance width of Ewen Road is 15.24 m (50 feet). We do not anticipate any further road allowance widenings at this time.

Since the road allowance width of Ewen Road is 15.24 m, it is imperative that sufficient sight distances and building setbacks be maintained at the access points.

No building, pillars or vegetation higher than 0.80 m should be placed in this area. Comments from the T. H. & B. Railway should be considered since the subject lands abut their railway line.

It appears that the majority of the parking and maneuvering, etc., is to be on lands owned by Ontario Hydro." (See attached letter for full comments.)

- o The Traffic Department has advised that:

"The preliminary plans submitted with the application indicates a total gross floor area of 2,900 m² of which 576 m² is parking area. The required parking for the remaining floor area proposed as medical offices is 123 spaces.

The total parking to be provided, 69 spaces, would require a variance to the by-law to reduce the required parking by more than 40 per cent which is unacceptable.

In addition to the significant deficiency in parking, the driveway width is substandard, no loading space is shown on the plan and the only vehicular access to the parking provided on the subject lands is over the lands of others.

In summary, we consider the proposed use, as shown on the submitted plan, to be an overintensification of the subject lands which cannot be supported."

- o The Hamilton Region Conservation Authority has no objections.
- o The T. H. & B. Railway did not comment.

COMMENTS

- 1) The proposal complies with the Official Plan.
- 2) The proposal does not comply with the approved Ainslie Wood Neighbourhood Plan.
- 3) The proposal cannot be supported for the following reasons:
 - a) It requires major variances to the front, rear and side yards, parking and loading spaces and access to the subject lands.

	<u>Required Under By-Law No. 6593</u>	<u>Proposed by Applicant</u>
front yard	12 m	0.6 m
rear yard	4.5 m	0 m
side yard	4.5 m	0.6 m (south side) 0.7 m (north side)
parking spaces	123	69
loading spaces	2	0

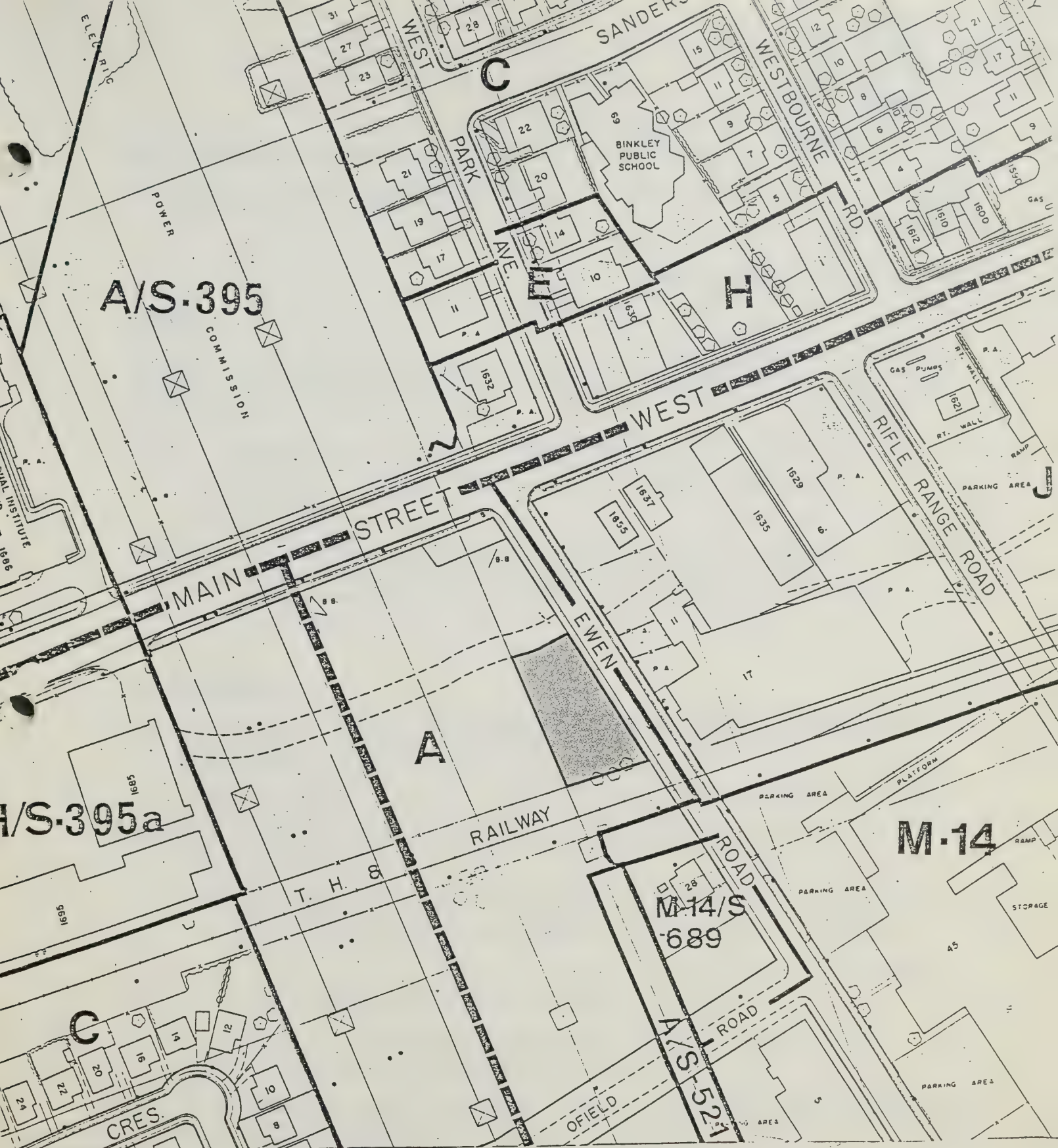
Accordingly, the proposed development represents an overintensification of land use.

- b) The proposed use requires 123 on-site parking spaces in accordance with By-law No. 6593. The applicant intends to provide only 20 on site spaces and 49 off-site spaces under a lease arrangement with Ontario Hydro.
- c) The proposed leased parking arrangement on the adjacent hydro corridor is unacceptable. Leases are unenforcable since they may be cancelled by one or both parties at any time. The elimination of a large number of the required parking spaces would create overflow parking onto adjacent streets. In addition, approval of a lease arrangement for required on-site parking located off-site will set an undesirable precedent for future similar requests.
- d) The ingress/egress to the proposed parking garage (which is within the existing building) is also located on the Hydro lands. If the lease arrangement is terminated, then access to the proposed parking garage is eliminated.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

JH/jd



LEGEND



SITE OF THE APPLICATION

↑
ZA-86-93

F O R A C T I O N

13

FROM Planning and Development Department

DATE September 28, 1987

TO Planning and Development Committee

Refer to File No. ZA-87-75
BUTLER
NEIGHBOURHOOD

Attention of V. J. Abraham

SUBJECT

Amended Application for a change in zoning of lands located on the east side of Upper Wentworth Street between Stone Church Road East and Rymal Road East, as shown on the attached map marked as APPENDIX "B" on the following basis:

Block 1 - Change from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified, to "RT-20" (Townhouse and Maisonette) District to permit a townhouse development.

Block 2 - To retain the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District, modified to exclude townhouses, but to permit zero lot line single-family dwellings.

RECOMMENDATION

1. That approval be given to an amended Zoning Application ZA-87-75, Lousan Developments Limited, owner, for a change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District, modified to exclude townhouse development, to "RT-20" (Townhouse and Maisonette) District for lands on the east side of Upper Wentworth Street between Stone Church Road East and Rymal Road East, as shown on the attached map marked as APPENDIX "A" on the following basis:

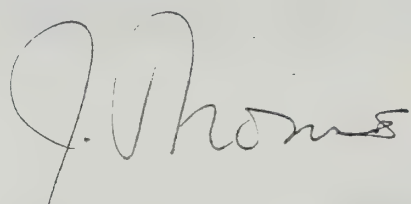
- i) That the lands described as Block 1 be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "RT-20" (Townhouse and Maisonette) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27D;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- iv) That the Butler Neighbourhood Plan be amended by redesignating Block 1 from "Single and Double" residential to an "Attached Housing" land use designation.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwelling, Townhouses, etc.) District to "RT-20" (Townhouse and maisonette) District for property located on the east side of Upper Wentworth Street between Stone Church Road East and Rymal Road East as shown on the attached map marked as APPENDIX "B".

The effect of the By-Law is to permit future townhouse development on the lands described as Block "1" on the attached map marked as APPENDIX "B".


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thomas, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Lousan Developments Ltd., owner

LOT SIZE AND AREA

- 99.161 m (325.33 ft.) of lot frontage on Upper Wentworth Street;
- 103.572 (339.80 ft.) of lot depth; and,
- 10,269.9 m² (110.548 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"D" (Urban Protected Residential, One and Two Family Dwellings, Townhouses, etc.) District, modified, to exclude townhouse development and permit zero lot single-family dwellings
<u>Surrounding Lands</u>		
to the north	vacant lands	"AA" (Agricultural) District
to the south	vacant lands	"AA" (Agricultural) District
to the east	vacant lands	"D" (Urban Protected Residential, One and Two Family Dwellings, Townhouses, etc.) District, modified to exclude townhouse development and permit zero lot line single-family dwellings
to the west	vacant lands	"G-1" (Designed Shopping Centre, etc.) District "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential use on the approved Butler Neighbourhood Plan, the proposal would require an amendment to the approved Butler Neighbourhood Plan to redesignate the subject lands from "Single and Double" to an "Attached Housing" land use designation.

BACKGROUND

By-law 78-269

The subject lands were rezoned from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified, in accordance with By-law No. 78-269 passed by City Council October 10, 1978. The "D" District modification excluded townhouse development and permitted zero-lot line single family development on lots having a lot width of at least 30 feet and an area of at least 3,000 square feet, which was requested by the developer at that time.

By-law 81-241

On August 25, 1981 City Council passed By-law 81-241 to amend a textual error on Schedule "A" of By-law No. 78-269.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Regional Conservation Authority, and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

- The Hamilton Wentworth Engineering Department has advised that:

"Public watermains as well as storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Upper Wentworth is 36.58 m (120 ft.). As a condition of development approval, we recommend that sufficient lands be dedicated to the Region to establish the property line 18.29 m (60 ft.) from the centre line of the original Upper Wentworth Street road allowance.

According to the approved Butler Neighbourhood plan there is a mid-block collector street proposed with additional neighbourhood streets behind the lands to be re-zoned. We recommend, as a condition of re-zoning approval, that the applicant/owner enter into the appropriate agreements with the City and Region to provide for the dedication and establishment of the mid-block collector street, as well as the recovery of appropriate municipal servicing costs.

We also require that the centre line of the mid-block collector street align centre line to centre line with the mid-block collector on the draft approved Wellington Chase plan of subdivision. Furthermore, the north-south neighbourhood street on the east limits of the lands to be re-zoned must align with proposed limits of Acadia Drive as shown on Ridgeview Estates - Phase 2.

These matters can be dealt with through Subdivision process providing the buildings can not be built before the registration of a plan of subdivision."

COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal would involve an amendment to the approved Butler Neighbourhood Plan to redesignate the subject lands from "Single and Double" residential to an "Attached Housing" designation.
3. Subsequent to circularization of the application, the proponent has decided to amend the application on the following basis:
 - Block "1" - smaller townhouse development under the provision of the "RT-20" Zoning District; and,
 - Block "2" - to retain the zero lot line single-family dwellings under the provision of the "D" Zoning District, modified.
4. The amended application would be more compatible with the proposed land use to the north and south of the subject lands and reflects the type of land uses contemplated on the previously approved Butler Neighbourhood Plan.
5. The amended application has merit and can be supported for the following reasons:
 - The site in question is situated at the intersection of a major arterial road (Upper Wentworth Street) and a proposed neighbourhood entrance road.
 - The subject lands were, in part, previously designated for "Attached Housing" and given that the adjoining lands to the north and south fronting onto Upper Wentworth Street are currently designated for "Attached Housing" development on the approved Butler Neighbourhood Plan, the amended applications would be compatible with future intended land use.

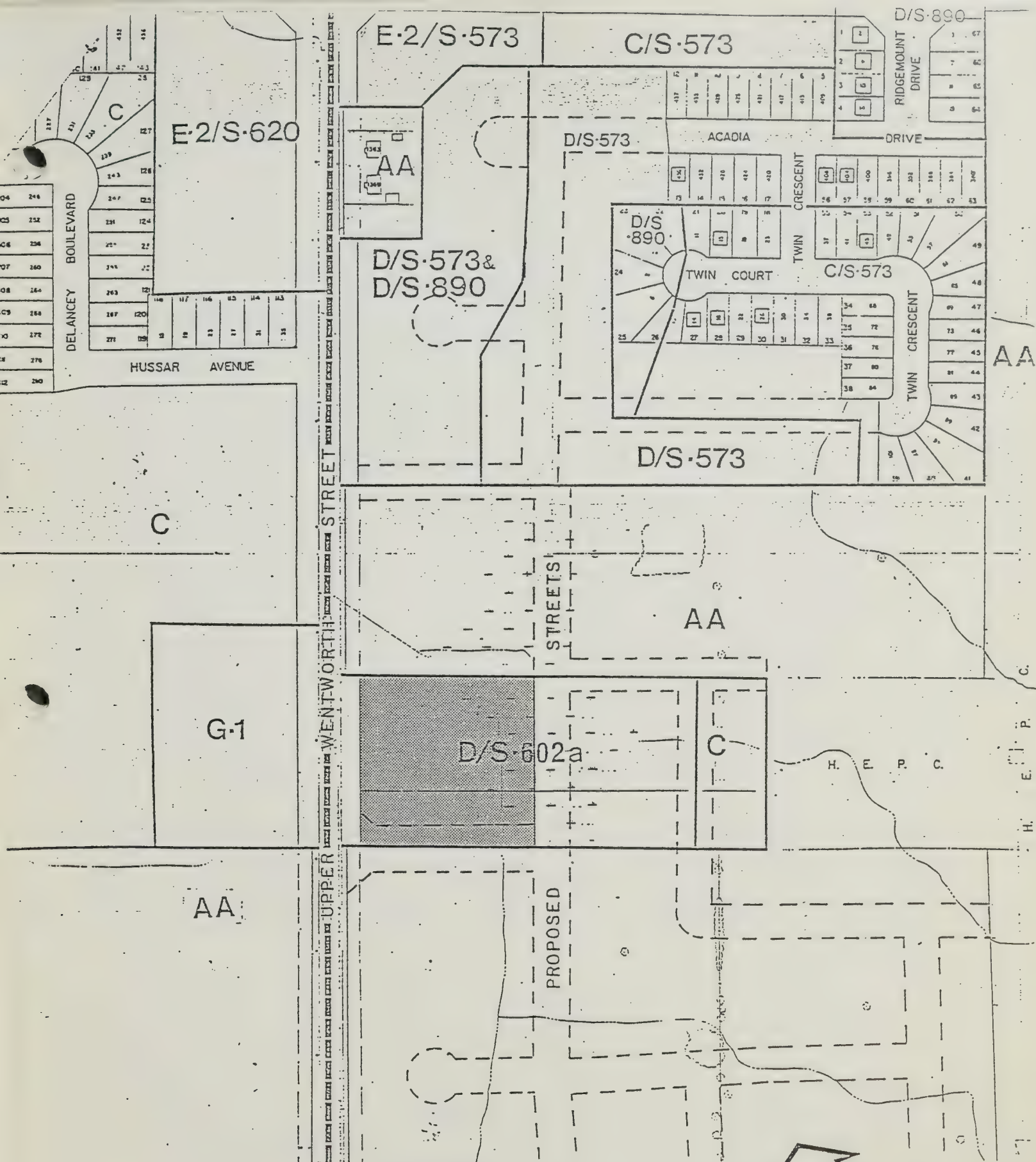
6. With regard to the "RT-20" (Townhouse and Maisonette) District requested, on the basis of a neighbourhood density calculation of 30 units per gross hectare/12 units per gross acre, a maximum of 24 dwelling units would be permitted on the lands described as Block 1 on APPENDIX "B".
7. Development of the lands under the "RT-20" (Townhouse - Maisonette) District would be subject to the provisions of Site Plan Control By-law 79-275 requiring the proponent of such development to have site plans approved by the Planning and Development Committee prior to the issuance of a building permit.
8. With regard to the comments of the Hamilton-Wentworth Engineering Department concerning road widenings, recovery of costs and agreements with the City and the Region, these matters will be addressed at the site plan approval stage of development.

CONCLUSION

On the basis of the foregoing approval can be given to the amended application to permit a townhouse development on a smaller site as per the type of land use proposed by the approved Butler Neighbourhood Plan for adjoining lands to the north and south of the site in question. This would also implement the intent of development on the originally approved Butler Neighbourhood Plan (June 1973).

G.A.W./nd

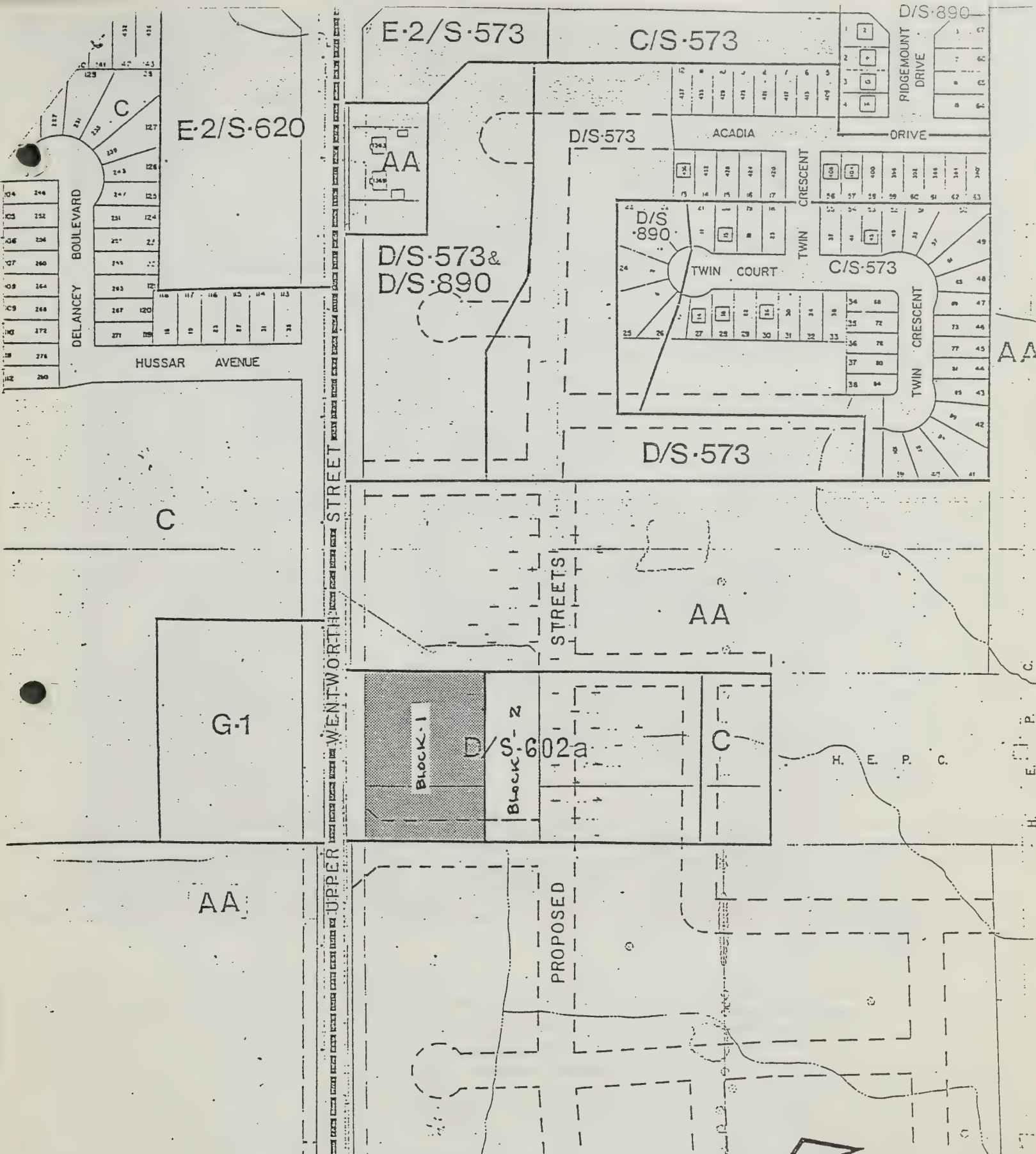
WP DOC 0420P



LEGEND



SITE OF THE APPLICATION
as circulated

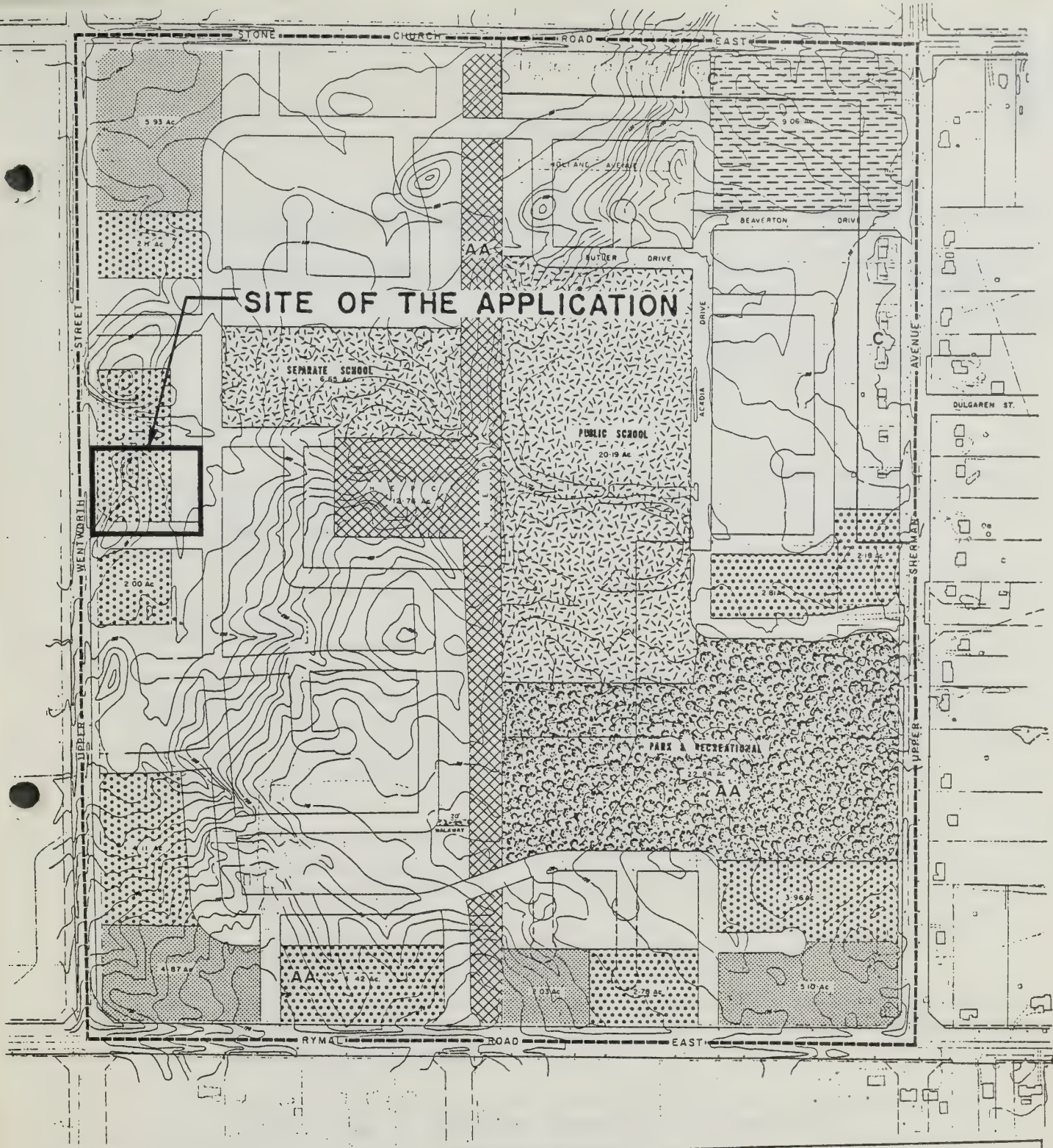


LEGEND






Site of the Application
as Amended





- Block 1 - ("RT-20", Townhouse & Maisonette)
- Block 2 - ("D" Modified, Small Lot Single Family Dwellings)






LAND USE

RESIDENTIAL

-  single & double
-  attached housing
-  low density apts.

-  CIVIC & INSTITUTIONAL
-  PARK & RECREATIONAL
-  UTILITIES
-  MULTICENTRE

-  Neighbourhood Boundary
-  Zoning Boundary
-  Staging of Development Boundary

Approvals
Planning Bd. APRIL 28/76 Council JUNE 29/76
Revisions

CITY OF HAMILTON
PLANNING DEPARTMENT

BUTLER
PROPOSED PLAN



0 50 100 200
SCALE IN FEET

APPENDIX C

14.

F O R A C T I O N

FROM Planning and Development Department

DATE September 29, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-98

GILKSON

NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District provisions for the property located at No. 1300 Garth Street. The purpose of the proposed modification is to permit a veterinarian clinic to locate within the existing commercial plaza.

RECOMMENDATION

That approval be given to Zoning Application ZA-87-98, Ardor Investments Limited, owner for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District, to permit a veterinarian clinic to locate within the existing commercial plaza, for the property located at No. 1300 Garth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:


- i) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 applicable to the subject lands be modified to include the following variance:
 - a) That notwithstanding Section 13(1), a veterinarian clinic shall be permitted within the existing commercial plaza.
- ii) That the amending By-law be added to Section 13 of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map W-27D be noted S - ;
- iii) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-27D;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District for the property located at No. 1300 Garth Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a veterinarian clinic to locate within the existing commercial plaza.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Ardor Investments Ltd., owner.

LOT SIZE AND AREA

- o 59.45 m (195.05 ft.) of lot frontage on Garth Street;
- o 80.44 m (263.9 ft.) of lot depth; and
- o 4,896.57 m² (52,708 sq. ft.) of lot area

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>SUBJECT LANDS</u>	Commercial Plaza	"G" (Neighbourhood Shopping Centre, etc.) District
<u>SURROUNDING LANDS</u>		
To the north and south	Row Housing	"DE" (Low Density Multiple Dwellings) District
To the east	Two Family Dwellings	"C" (Urban Protected Residential) District
To the west	Two Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN

The subject lands are designated "Commercial" on Schedule "A". In addition, the lands also are located within Special Policy Area 22 on Schedule B-2 - Other Special Policy Areas which identifies the location of Neighbourhood Shopping Centers. As such, the proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial" in the approved Gilkson Neighbourhood Plan. The proposal complies with the Approved Neighbourhood Plan.

COMMENTS RECEIVED

- o The Building Department has advised that:
"The proposed use is not a permitted use."
- o The Local Architectural Conservation Advisory Committee, Department of Health Services, Hamilton Region Conservation Authority and the Traffic Department have no comments and/or objections.
- o The Hamilton-Wentworth Engineering Department has advised that:
"public watermains, as well as separate storm and sanitary sewers are available to service the subject lands;

all widenings and the daylight triangle have previously been acquired;

no further road allowance widenings are anticipated; and that

any work within the adjacent road allowances must conform to the respective Streets By-laws."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal would not conflict with the intent of the approved Gilkson Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - a) It would be compatible with the existing commercial uses in the existing plaza;

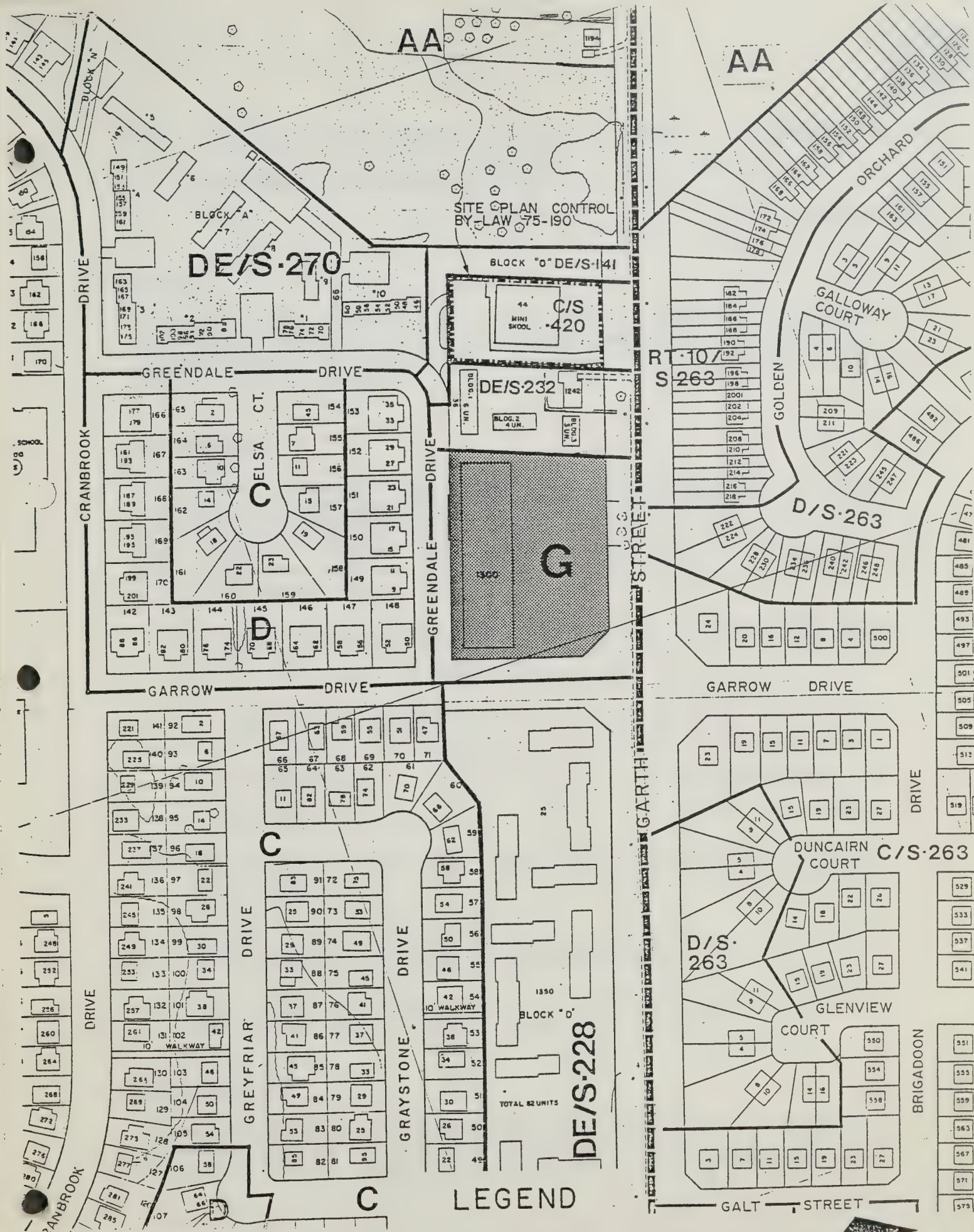
- b) It will be located on a major arterial road (Garth Street); and
- c) The site in question has been used for commercial purposes for a number of years.

CONCLUSION

On the basis of the foregoing, the application can be supported.

~~B~~.K.:nd

W.P. DOC. 0463P



SITE OF THE APPLICATION

7A 87-98
APPENDIX A

FROM: Planning and Development Department

DATE: September 30, 1987

TO: Planning and Development Committee

Refer to File No. ZA-87-99

RYMAL
NEIGHBOURHOOD

SUBJECT

Request for a modification to the "M-14" (Prestige Industrial) District for the property located at No. 1198 Stone Church Road East. The purpose of the proposed modification is to permit, in addition to the "M-14 Uses", a general automobile repair garage.

RECOMMENDATION

That approval be given to Zoning Application 87-99, 496091 Ontario Ltd. (P. Tigani and G. H. Silcox), owners, requesting a modification to the "M-14" (Prestige Industrial) District, to permit, in addition to the existing "M-14" uses, a general automobile repair garage, for the property located at No. 1198 Stone Church Road East, as shown on the attached map marked as APPENDIX "A"; on the following basis:

i) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-law No. 6593 be modified to include the following variance as a special requirement:

a) Notwithstanding Section 17F(i) of Zoning By-law No. 6593, the following additional commercial use shall be permitted.

Commercial Use

Identification No.

General Repair Garage

6351

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59C be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C;

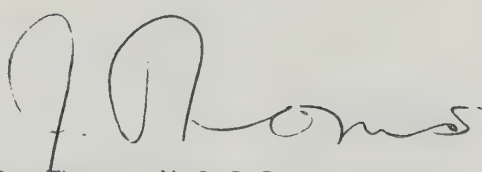
iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the "M-14" (Prestige Industrial) District for the property located at No. 1198 Stone Church Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit, in addition to the existing "M-14" uses, a general automobile repair garage.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

APPLICANT

496091 Ontario Inc. (P. Tigani and G. H. Silcox), owners.

LOT SIZE AND AREA

- o 30.48 m (100 ft) of lot frontage;
- o 132.59 m (435 ft) of lot depth; and
- o 4,041.15 m² (43,500 sq ft) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	stereo, sales and service	"M-14" (Prestige Industrial) District
<u>Surrounding Lands</u>		
To the north	Roller skating rink, fire training station	"M-13" (Prestige Industrial) District
To the south	Vacant	"M-14" (Prestige Industrial) District
To the east	Vacant	"M-14" (Prestige Industrial) District
To the west	Single, family dwelling, commercial, industrial	"M-14" (Prestige Industrial) District

OFFICIAL PLAN

The subject lands are designated "Industrial" on Schedule "A". Uses which complement and do not interfere with, or detract from, the primary function of the area permitted. In addition, the lands are located within Special Policy Area #11 - Light Industrial Uses. As such, the proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Restricted Industrial" in the approved Mountain Industrial Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

ECONOMIC FACTORS

The applicant has advised the cost of the project (construction of a new building, etc.) will be between \$101,000 and \$500,000. Approximately 6-10 mechanical jobs will be created.

COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority Building Department and Traffic Department have no comments or objections.
- o The Hamilton-Wentworth Engineering Department has advised in part that:
"The designated road allowance width of Stone Church Road East is 30.40 m (100 feet). We recommend, as a condition of development approval, that sufficient lands, shown as Parts 21 and 23, be dedicated to the Region for road widening purposes." (See attached letter for full comments.)

COMMENTS

- 1) The proposal complies with the Official Plan.
- 2) The proposal does not conflict with the intent of the approved Mountain Industrial Neighbourhood Plan.
- 3) The proposal merits consideration for the following reasons:
 - a) it is located on a major arterial road; and,
 - b) it is compatible with the surrounding land uses including commercial to the north and west and industrial to the west.

- 4) Under the "M-14" District provisions, the lands are subject to Site Plan Control By-Law 79-275. Matters such as parking, landscaping, access will be reviewed during the site plan approval process.

CONCLUSION

Based on the foregoing, the proposal can be supported.

JH/dkp

APPENDIX A

M-13/
S-900

M-13

STONE CHURCH ROAD EAST

M-14/
S-1013

M-14

BLOCK 56

NEBO ROAD

HEMPSTEAD

DRIVE

LEGEND

SITE OF THE APPLICATION

ZA 87-99



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4 (416) 526-4170

ID#0045D (37)

September 29, 1987

Refer to File No. E220-1809
Attention of T.L. Hearn
Your File No. ZA-87-99

TO: V.J. Abraham, Planning Department
Attention: J. Hickey

FROM: K.A. Brenner, Engineering Department

RE: Zoning Application ZA-87-99 for modification to the "M-14"
District Regulations for Property at 1198 Stone Church Road
East

Please be advised that public watermain as well as storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Stone Church Road East is 30.48 m (100 feet). We recommend, as a condition of development approval, that sufficient lands, shown as Parts 21 and 23, be dedicated to the Region for road widening purposes.

Any work within the Stone Church Road East road allowance, as widened, must conform to the Region's Roads Use By-Law.

We have not received any detailed plans for our review, therefore, we will submit any detailed comments on landscaping, access, visibility, grading etc. upon arrival of these plans. We recommend that the subject lands be developed through site plan control.

TLH/GO:mc
Attach.

cc: M.A. Chidley, Regional Surveyor

PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH				
File No.		Received		
		SEP 29 1987		
TO	STAFF	INIT.	INFO.	ACT.
DIR.				
DEPT.				
DEV.				
ENGR.				
PLANN.				
CHART.				
ADMIN.				

FOR ACTION

17.

FROM Planning and Development Department

DATE September 22, 1987

TO Planning and Development Committee

Refer to File No. ZA-87-81
KENNEDY
NEIGHBOURHOOD

SUBJECT

Request for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property at No. 165 Rymal Road West, as shown on the attached map. The purpose of the proposed change in zoning is to:

- establish the appropriate residential zoning for the existing single-family dwelling, fronting on Rymal Road West, and;
- permit future single-family dwelling development for the rear part of the subject property.

RECOMMENDATION

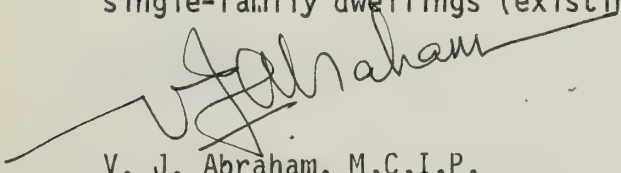
That approval be given to Zoning Application ZA-87-81, W. D. Mattina and M. J. Ferracuti, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property at No. 165 Rymal Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

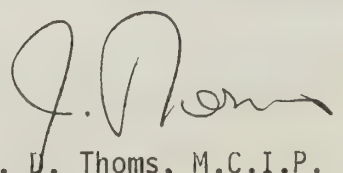
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at No. 165 Rymal Road West.

The effect of the By-law is to establish the appropriate zoning for single-family dwellings (existing and proposed).


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANTS

W. D. Mattina and M. J. Ferracuti, owners

LOT SIZE AND AREA

- 30.48 m (100.0 ft.) of lot frontage on Rymal Road West;
- 127.10 m (417.0 ft.) of lot depth;
- 3,873.9 m² (41,700 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"AA" (Agricultural) District
to the south	vacant lands	"AA" (Agricultural) District
to the east	single-family dwellings and a cemetery	"AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District and "B" (Suburban Agriculture and Residential, etc.) District
to the west	single-family dwelling	Currently zoned "AA" (Agricultural) District, but recently rezoned to "B" (Suburban Agriculture and Residential, etc.) District (By-law subject to approval by City Council)

OFFICIAL PLAN

Designated "Residential", the proposal complied.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential use on the approved Kennedy East Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Local Architectural Conservation Advisory Committee Staff, Niagara Peninsula and Hamilton Region Conservation Authorities have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains are available to service the subject lands. Storm and sanitary sewers are presently under construction and will be available in the near future.

The designated road allowance width of Rymal Road is 36 m (118.11 ft.) The applicants should be advised of a future road allowance widening to establish this designation.

Any work within the adjacent road allowances must conform to the respective streets By-laws.

It appears from the information submitted, that the applicant will try to develop the rear lands in conjunction with the proposed extension of Kennedy Avenue. There are a number of concerns with lot frontages and access to the rear of the lands which should be resolved before development, but need not be resolved before rezoning."

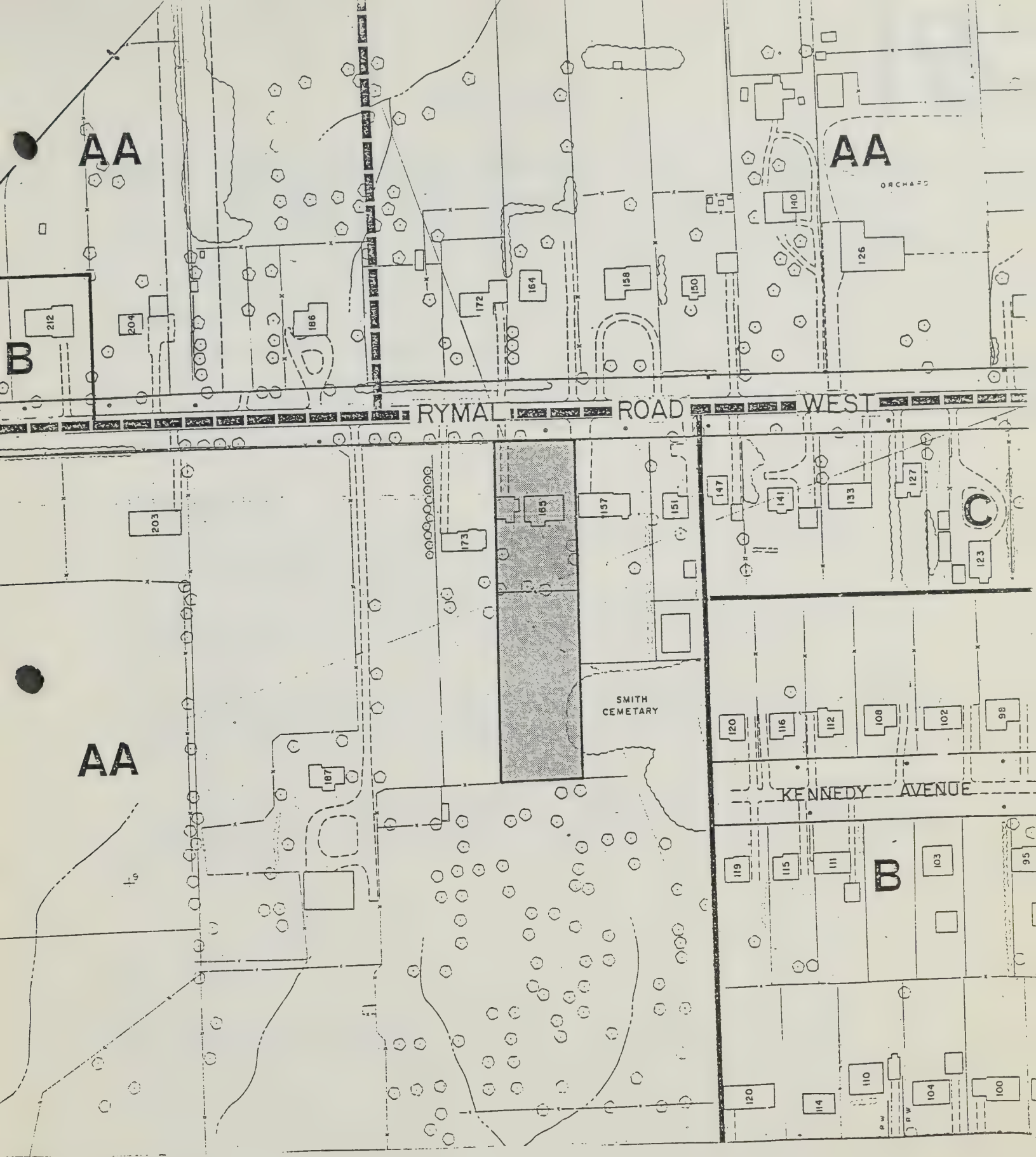
COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal complies with the intent of the approved Kennedy East Neighbourhood Plan.
3. The proposal has merit and can be supported because it would be compatible with existing and proposed development in this area comprised of single-family dwellings.
4. Development of the rear portion of the site is contingent upon development of adjoining lands to the west and will be further regulated in accordance with a draft plan of subdivision or land severance through the Regional Land Division Committee.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/jd
WP 0420P



LEGEND

 SITE OF THE APPLICATION


ZA-87-81

F O R A C T I O N

18.

FROM: Planning and Development Department

DATE: October 7, 1987

TO: Planning and Development Committee

File No.: P5-2-105

Attention Of: V. J. Abraham

SUBJECT

Draft Official Plan Amendment No. 12.

Draft Zoning By-law 84-46

Normanhurst Neighbourhood

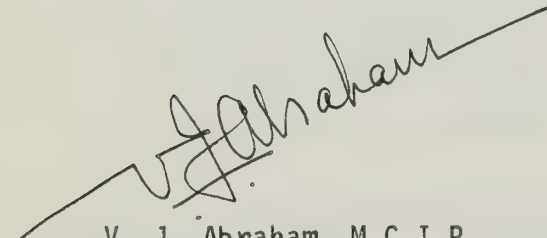
RECOMMENDATION

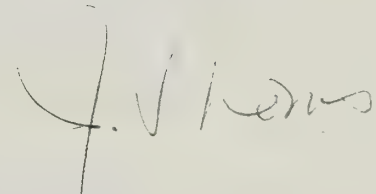
Although sound planning practice dictates that certain industrial uses should be prohibited near residential areas;

WHEREAS the results of the Ontario Municipal Board denied the Keith Buffer rezoning making such an approach inappropriate in the Normanhurst Neighbourhood;

AND WHEREAS the Business Land Use Advisory Board recommends that the Keith Buffer rezoning approach not be applied to the Normanhurst Neighbourhood and that the industrial properties revert to the original "K" (Heavy Industry, etc.) District;

NOW THEREFORE the original "K" (Heavy Industry, etc.) District should be reintroduced for the affected industrial properties in the Normanhurst Neighbourhood, as shown on Schedule A, and Section 1, 4 and 5 of By-Law 84-46 be rescinded.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The proposed Official Plan Amendment and the proposed zoning amendments implementing the Normanhurst Neighbourhood Plan were held in abeyance until the Cabinet decision was made on the Keith Buffer which is a similar proposal to Normanhurst industrial rezoning. Cabinet has now made the decision not to consider the appeal and, therefore, the O.M.B. decision denying the rezoning still stands. Although the Zoning By-law Amendment proposal dealt with a number of rezonings, only those amendments dealing with the industrial properties are subject to review.

The recommendations have been brought forward after a series of meetings with the Business Land Use Advisory Board which included discussions with representatives of the affected industries.

BACKGROUND

By-law 84-46 and Official Plan Amendment 12 implements the Normanhurst Neighbourhood Plan. The Zoning By-law provides for the rezoning of certain industrial properties from the "K" (Heavy Industry, etc.) District to "J" (Light and Heavy Industry, etc.) District. In addition, the By-law and Official Plan Amendment provide for other zoning and land use changes. These additional changes are not addressed in this study, rather, the study addresses only the industrial rezonings..

The following is a chronology of events leading up to the present:

- o City Council adopted a Neighbourhood Plan for Normanhurst on December 13, 1983, which included citizen participation (see Map 1).
- o On January 10, 1984 Council adopted Official Plan Amendment 12 (see Map 1 and Appendix 2) and By-law 84-46 (see Map 2 and Appendix 3) to implement the Neighbourhood Plan. The By-law proposed a change in zoning from "K" (Heavy Industry, etc.) District to "J" (Light and Limited Heavy Industry, etc.) District for properties owned by H. H. Robertson, Parkdale Auto Wrecking, Coca Cola and Union Gas. This zoning change eliminated 46 incompatible industrial uses from the subject area (see Normanhurst Industrial Rezoning Map in Appendix 7). Appendix 3 shows the uses eliminated.
- o An objection to the Official Plan Amendment was received from H. H. Robertson Inc., 441 Parkdale North. In addition, H. H. Robertson objected to the By-law 84-46 which rezoned those lands from "K" to "J". It should be noted that other objections to the Zoning By-law were submitted, however, these do not affect the industrial re-zoning and, therefore, are not relevant to this review.
- o On February 27, 1985 the Planning and Development Committee requested that the Ontario Municipal Board hold the Official Plan Amendment and Zoning By-law Amendment in abeyance until the outcome of the Keith Zoning Buffer hearing was resolved. The decisions on the Keith Zoning Buffer had bearing on the Normanhurst rezoning.

- o Council at its meeting of September 25, 1985 decided not to appeal the OMB decision for the Keith zoning buffer. The OMB decision denied the Keith rezoning and Official Plan Amendment (Appendix 4). See Appendix 5 for a response to the O.M.B. decision.
- o The North Central Community Association appealed the OMB decision to Cabinet. The Cabinet decided that this Association was not entitled to appeal the decision because it was not incorporated and therefore not a legal entity. As such, the OMB decision stood.
- o The Business Land Use Advisory Board first considered the matter on December 19, 1986 (Appendix 6). After considering various options (Appendix 7) they decided that the Keith approach should be applied to Normanhurst rather than the single "K" to "J" rezoning as proposed in By-law 84-46. In addition, the Board felt existing industries should be recognized as legal conforming uses. Accordingly, in order to implement this approach a new rezoning is required and a public meeting should be held.

The Board also wanted to meet with representatives from industry before the public meeting for the rezoning.

- o The Board met with representatives from all the affected industries on April 3, 1987 (Appendix 8). The industries opposed any additional rezoning or site plan restrictions, citing that the Ministry of Environment controls through the Environmental Protection Act were sufficient, as well as, citing the OMB decision which found the Keith approach unacceptable.
- o The Board met again on April 24, 1987 to discuss the matter (Appendix 9) and recommended that the proposed Zoning By-law affecting the industry be withdrawn and the "K" heavy industrial zoning be restored. The Board was concerned that based on the decision of the OMB regarding the Keith rezoning, it would be inappropriate to undertake a similar approach in the Normanhurst Neighbourhood. It was felt that the net effect of an OMB hearing would be that considerable time and money would be spent and that negative feelings would be created in the industrial community, with little or no chance of success.

The Keith Zoning Approach

The issue of allowing industry and residential uses to co-exist compatibly has been addressed primarily through the neighbourhood planning process over the past 15 years. It is recognized that certain types of industries may be suitable to locate nearby residential uses, while other industries would not be appropriate. The policies and zoning applied next to the Keith Neighbourhood has application in the Normanhurst situation. The Keith zoning approach offered a more effective solution than the simple "K" to "J" proposal originally used in the Normanhurst rezoning. Therefore, the Keith approval should be considered.

During the Keith rezoning process it was recognized that a simple rezoning from heavy industry to general industry was not the best approach. A detailed analysis of industrial uses and their compatibility with neighbourhood uses was conducted with input from the Ministry of Environment, The Occupational Health Program at McMaster University and the Fire Department. From this analysis the Keith Buffer proposal was devised (see Appendix 10).

In the Keith rezoning, the purpose was to remove 41 uses from the heavy industrial zone, thereby preventing the establishment of possible incompatible uses in the future. The intention of removing these uses was to ensure that residents are not subject to air pollution (including dust, particulates and odour), noise pollution (including noise and vibration), fire hazards and/or health hazards.

CONCLUSIONS

A number of options for action have been considered in the Normanhurst situation including the following:

1. Support the existing By-law 84-46. In this case the "K" District Zoning would be changed to "J" District for Coca Cola, Union Gas, H. H. Robertson and the Auto Wrecking Yard, affectively eliminating 46 industrial uses from the presently permitted 490 permitted uses.
2. Delete the proposed rezonings. In this use By-law 84-46 would be rescinded and the "K" District zoning would remain on the affected industrial lands.
3. Delete the proposed industrial rezoning from the H. H. Robertson lands. In this case, the "K" District zoning would remain on the H. H. Robertson property but the zoning of the other industrial properties would be rezoned "J" from "K". This would eliminate the objections from H. H. Robertson, the only official objector to the industrial rezonings, and result in only a minimal impact on surrounding residential areas since it is this industry located the furthest from housing in the Neighbourhood.
4. Apply the Keith Buffer Zoning Concept. In this case, the "K" District zoning would be modified to eliminate 41 industrial uses from the permitted 490 uses. Existing uses would be permitted on the specific site through permitting the generic use eg. H. H. Robertson would be zoned to permit "metal products manufacturing". Site plan control would also be applied to the industrial properties.
5. Modified Keith Buffer Zoning would be applied in this case. The "K" District zoning would be modified to eliminate 33 of the most problematic and exceptionally problematic industrial uses identified during the Keith rezoning process (see Appendix 11). Appropriate changes would be supported in an Official Plan Amendment.
6. A further modified Keith Buffer zoning approach could be applied. In this case only the 21 exceptionally problematic industrial uses would be eliminated from the "K" District zoning (see Appendix 11). Appropriate changes would be incorporated by an Official Plan Amendment.

The general approach used in the Keith rezoning, has been considered for Normanhurst in a number of the options (4, 5 and 6) to ensure that industry nearby residential areas does not adversely affect the safety, health and living conditions for residents. As discussed earlier, this approach is preferable to simple "K" to "J" rezoning outlined in option 1 and 3.

Since the Normanhurst Options 4, 5 and 6 are based on the Keith approach, the Keith OMB decision is of particular importance. The decision recognizes the planning principle involved in restricting industrial uses, stating:

" . . . it is perfectly clear to the Board from the evidence that there are certain industrial operations which should not take place within the proposed buffer, or for that matter, for a substantial distance beyond such a buffer. Amongst such uses would be a Coke Oven, a Garbage Dump, a Paper Mill, and other large industrial uses listed in the proposed by-law, and the Board has no doubt that the landowners would accept the prohibition by by-law of a few of such obvious categories of use."

However, the OMB did not accept the analysis used to determine the list of prohibited uses, stating that the restrictive uses were too "broad" and could include hundreds of different uses. The decision stated:

"Perhaps this (problem) could have been overcome by the proponents of the by-laws with more consideration given to the industrial uses involved, including their component uses, in light of modern industrial techniques."

As a result of the OMB's decision to turn down the Keith rezoning and Official Plan Amendment, it appears unlikely that approval will be granted for a proposed Normanhurst industrial rezoning, which is based on the Keith approach. Additional scientific analysis must be undertaken before specific industrial uses are restricted from the appropriate zoning district in order to satisfy the OMB.

The Business Land Use Advisory Committee originally favoured the Keith Zoning approach in the Normanhurst situation, rather than the simple "K" to "J" rezoning used in By-law 84-46. However, after reviewing the results of the OMB decision for the Keith rezonings, and meeting with representatives of the affected industries the Board recommended that the zoning for the industries affected revert to "K" (Heavy Industrial, etc.) District for the following reasons:

- 1) a rezoning from "K" to "J" is not appropriate since it would not eliminate all incompatible uses. In addition, some of the affected industries would become legal-non-conforming uses, resulting in limits for physical and product expansions;
- 2) without any additional scientific analysis, the OMB decision on the Keith rezoning makes it unlikely that the same approach will be successful in Normanhurst;
- 3) the time and cost involved in a lengthy Ontario Municipal Board hearing is not warranted in this case; and,
- 4) the proposal would cause negative feelings in the industrial community.

The Department shares these concerns. However, sound planning principles dictate that certain industries that are presently permitted are not appropriate or compatible with nearby residential uses. The OMB decision also alluded to this. Although both the "K" to "J" rezonings and Keith approach are not appropriate at this time in light of the concerns, consideration could

be given to other approaches which will assist in ensuring compatible development including:

- o additional Official Plan policies which provide protection to the safety, health and living conditions of residents near industries and implemented through appropriate actions;
- o additional scientific analysis of industries to determine appropriate and inappropriate industries, as well as distance requirements given new environmental technologies being applied to industries;
- o development of appropriate emergency planning measures to ensure residents' safety in the area; and,
- o establishment of appropriate buffers between residential and industrial areas, possibly mixed/use zones.

Based on the above comments, the proposed "J" District rezoning for the affected industries should be rescinded since it does not effectively ensure compatibility between industrial and residential uses in the Normanhurst Neighbourhood. In addition, the Keith rezoning approach should not be supported at this time since it is clear that much more detailed and scientific analysis of incompatible industries is required to satisfy the OMB.

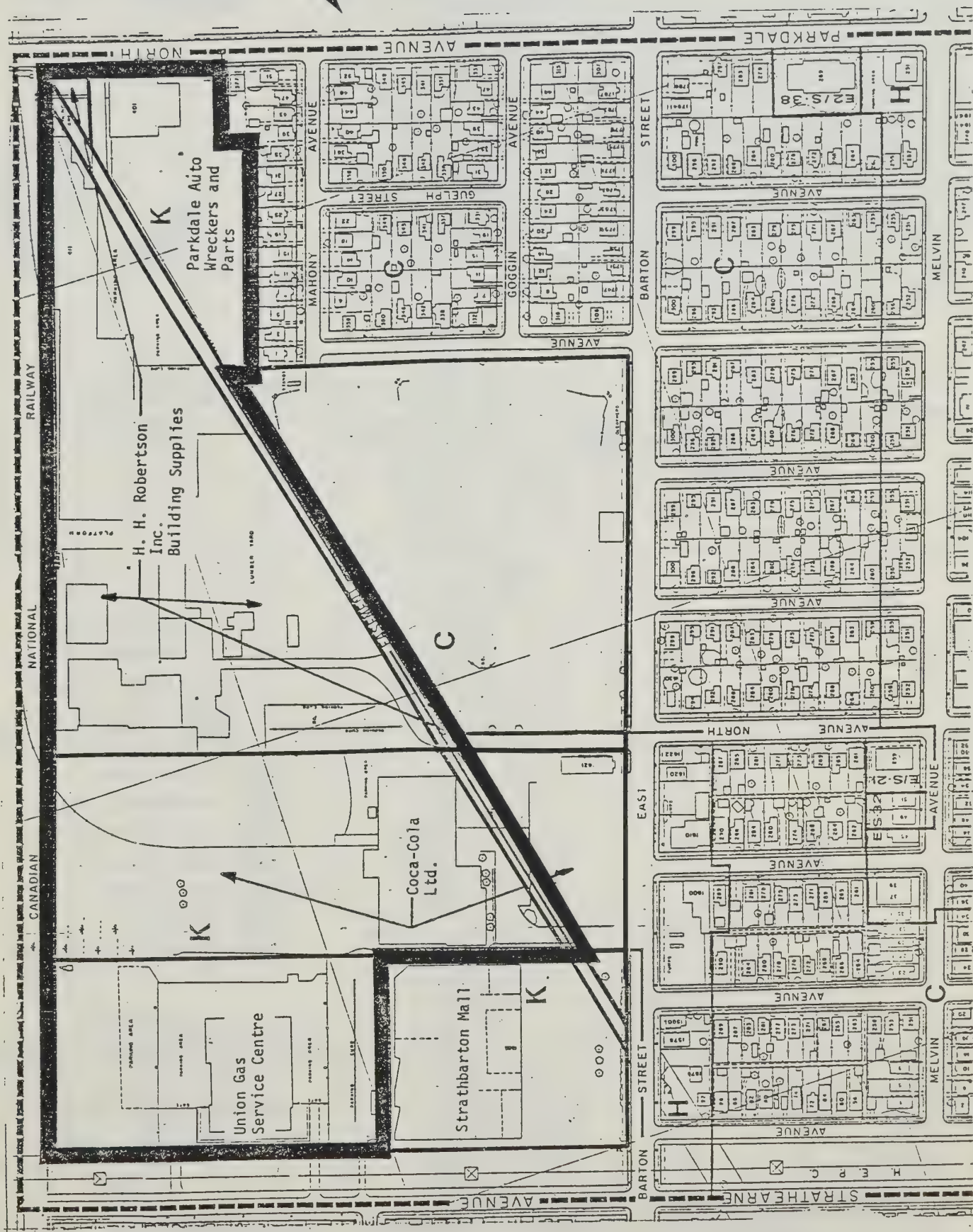
Therefore, the zoning for affected industries should revert to the original "K" zoning.

BJ/dkp

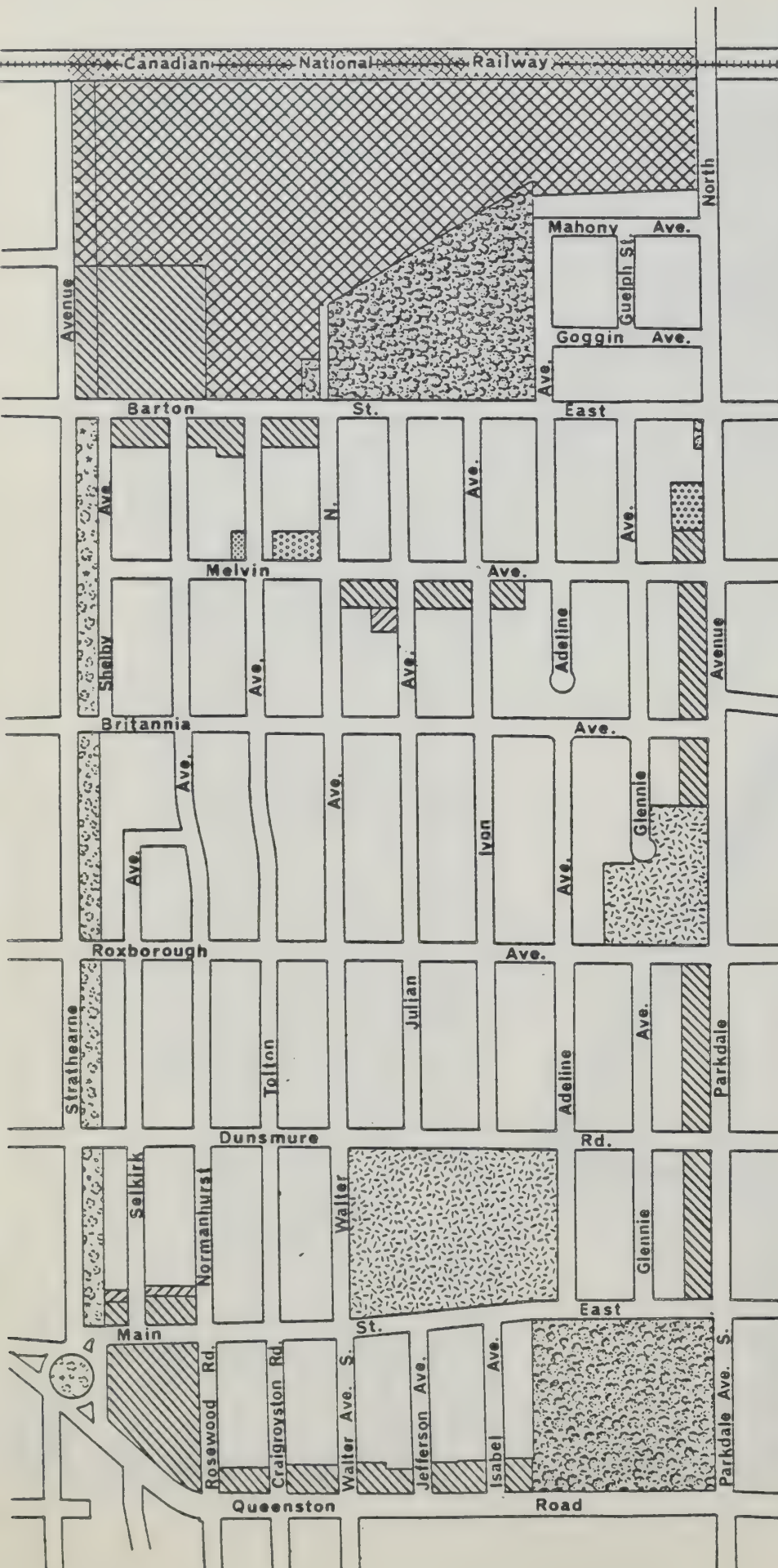
c.c. - Members of the Business Land Use Advisory Board

WP 0021P

NORMANHURST INDUSTRIAL REZONING













Subject Land For Proposed Zoning Change From 'K' TO 'J'



MAP 1

LAND USE RESIDENTIAL

-  single & double
-  low density Apts.
-  medium density Apts.

-  COMMERCIAL
-  INDUSTRIAL (General)
-  CIVIC & INSTITUTIONAL
-  PARK & RECREATIONAL
-  OPEN SPACE
-  UTILITIES
-  COMMERCIAL PARKING

APPROVALS

PLANNING BOARD NOV. 9, 1983 COUNCIL DEC. 13, 1983

CITY OF HAMILTON NORMANHURST APPROVED PLAN



50 0 50 100

February, 1987

Planning and Development Department
Hamilton-Wentworth Region

Canadian National Railway

MAP 2

Official Plan Amendments

- ① From Industrial to Commercial
- ② From Industrial to Residential
- ③ From Commercial to Residential
- ④ From Residential to Commercial
- ⑤ From Open Space to Industrial

Objectors to the Official Plan Amendments

- Ⓐ J. Ferguson
- Ⓑ J. McBride
- Ⓒ R. Philips

CITY OF HAMILTON NORMANHURST



50 0 50 100

February, 1987

Planning and Development Department
Hamilton-Wentworth Region

MAP 3

Rezoning

- ① From "K" to "J"
- ② From "K" to "G-1"
- ③ From "H" to "C"
- ④ From "H" to "G-3"
- ⑤ From "K" to "J" Modified

Objectors to Rezoning

- ⑥ J. Evans
(From "H" to "C")
- ⑦ J. Stoddart
(From "H" to "C")
- ⑧ J. Miletich
(From "H" to "C")
- ⑨ Mr. Desrochers
(From "H" to "C")
- ⑩ Thomsen, Pedersen, & Dawson
(From "H" to "C")
- ⑪ E. Nella
(From "H" to "C")
- ⑫ H.H. Robertson
(From "K" to "J")

CITY OF HAMILTON

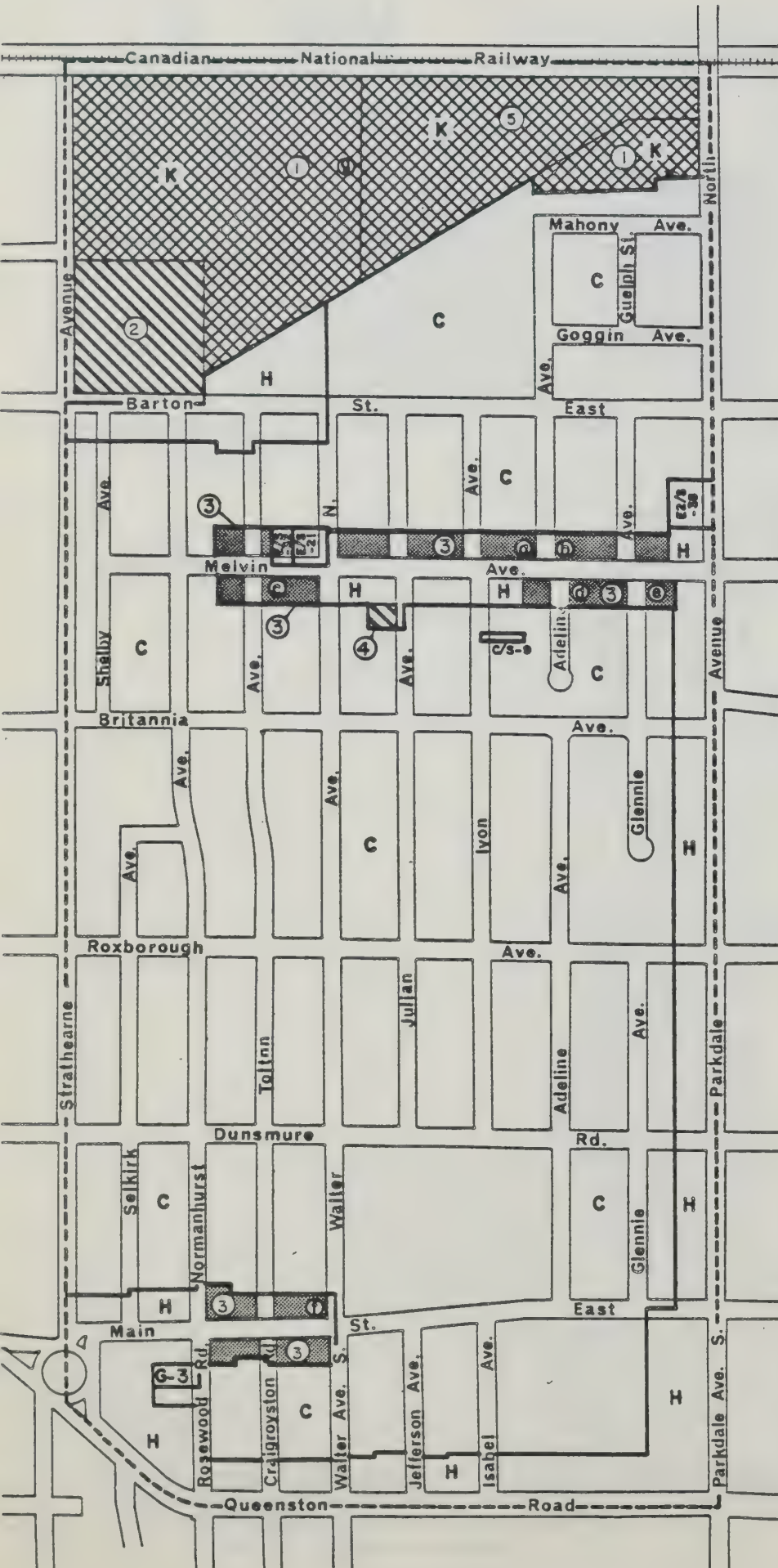
NORMANHURST



50 0 50 100

February, 1987

Planning and Development Department
Hamilton-Wentworth Region



The Corporation of the City of Hamilton

BY-LAW NO. 84-3

To Adopt:

Official Plan Amendment No. 12

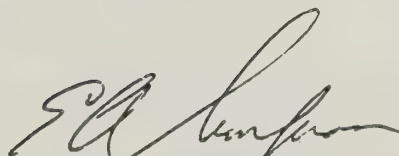
Respecting:

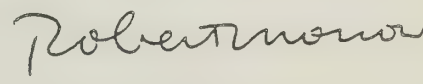
LAND LOCATED IN THE NORMANHURST NEIGHBOURHOOD, BOUNDED BY STRATHEARNE AVENUE, THE C.N.R. LINE, PARKDALE AVENUE SOUTH AND QUEENSTON ROAD

The Council of The Corporation of the City of Hamilton enacts as follows:

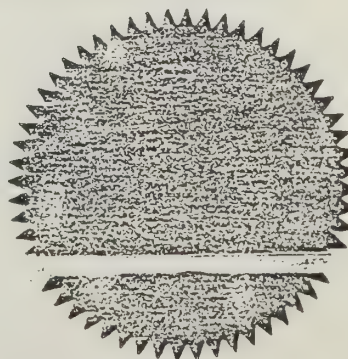
1. Amendment No. 12 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this Tenth day of January A.D. 1984.


City Clerk


Mayor

(1983) 24 R.P.D.C. 4, December 13



AMENDMENT NO. 12 TO THE
CITY OF HAMILTON OFFICIAL PLAN

PURPOSE

The purpose of the Amendment is to incorporate policy and schedule changes to the Official Plan, with the recently approved Normanhurst Neighbourhood Plan.

LOCATION

The lands affected by the Amendment are located in the Normanhurst Neighbourhood, which is bounded by Strathearn Ave., the CNR line, Parkdale Avenue South and Queenston Road.

BASIS

The Amendment reflects the Normanhurst Neighbourhood Plan, and provides a basis for the rezoning of certain lands within the Neighbourhood. The policy and schedule changes are based on reports and other documentation contained in the Appendices of this Amendment.

ACTUAL CHANGES

- i) Policy A.2.7.5 in Subsection A.2.7- Utility Uses will be amended to read as follows:

"Notwithstanding the permitted uses in Policy 2.7.1 above, additional uses may be permitted on Ontario Hydro lands and all other lands designated "UTILITIES" where deemed by Council to be compatible with adjacent land uses, by agreement of the land owner and subject to the preparation of a Neighbourhood Plan for the affected lands."
- ii) Schedule "A" of the Official Plan (Land Use Concept), as amended, will be further amended, as shown on the attached map being Schedule "A" of the Amendment. (See Map 3 for amendments).


IMPLEMENTATION


A restricted area by-law will give effect to the intended use of the subject lands.

Bill No. D-11

This is Schedule 1 to By-law No. 84- 3 , passed on the Tenth day of January , A.D. 1984.

THE CORPORATION OF THE CITY OF HAMILTON


City Clerk


Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 84-46

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED IN THE NORMANHURST NEIGHBOURHOOD

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, proposed by the Council of The Corporation of the City of Hamilton, but not yet approved by the Minister under The Planning Act at the time of the passing of the by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets Nos. E-72 and E-73 of the District Maps, appended to and forming part of By-law No. 6593, are amended,

- (a) by changing from "K" (Heavy Industry, etc.) district to "J" (Light and Limited Heavy Industry, etc.) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A"; and

- (b) by changing from "K" (Heavy Industry, etc.) district to "J" (Light and Limited Heavy Industry, etc.) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A5".

2. Sheet No. E-73 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "K" (Heavy Industry, etc.) district to "G-1" (Designed Shopping Centre) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A1"; and

- (b) by changing from "H" (Community Shopping and Commercial, etc.) district to "G-3" (Public Parking Lots) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A2"; and

- (c) by changing from "H" (Community Shopping and Commercial, etc.) district to "C" (Urban Protected Residential, etc.) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A3".

3. Sheet No. E-74 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "H" (Community Shopping and Commercial, etc.) district to "C" (Urban Protected Residential, etc.) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A4".

4. The "J" District provisions applicable to the land at No. 411 Parkdale Avenue North, the extent and boundaries of which are shown on schedule "A5" annexed hereto, are amended to the extent only of the special requirement that,

- (a) notwithstanding subsection 16(1) of By-law No. 6593, the existing use and any expansion of the existing use, shall be permitted.

5. In respect of the following lands, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the following:

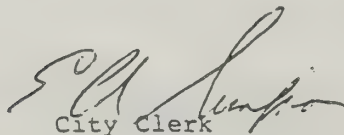
- (a) as to the land shown on schedule "A5", the "J" District provisions, subject to the special requirement referred to in section 4.


6. By-law No. 6593 is amended by adding this by-law to section 19B as "S-851".

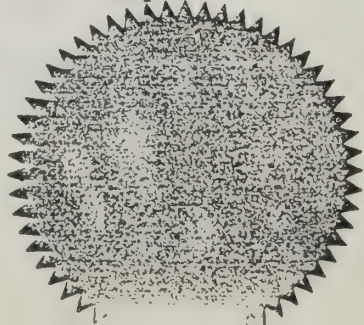
7. Sheets Nos. E-72 and E-73 of the District Maps are amended by marking the land referred to in section 4 of this by-law, "S-851".

8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with The Planning Act, 1983.

PASSED this 29th day of February A.D. 1984.


City Clerk


Mayor



E-72
E-73

SCHEDULE "A" TO
BY-LAW NO. 84-



LEGEND



Lands on part of Sheet No. E-72 and Sheet No. E-73 of the Zoning District Maps to be re-zoned from "K" (Heavy Industry, etc.) District to "J" (Light and Limited Heavy Industry, etc.) District.

Bill No.

This is Schedule "A" to By-law No. 84-46 passed the 29th day of February, 1984

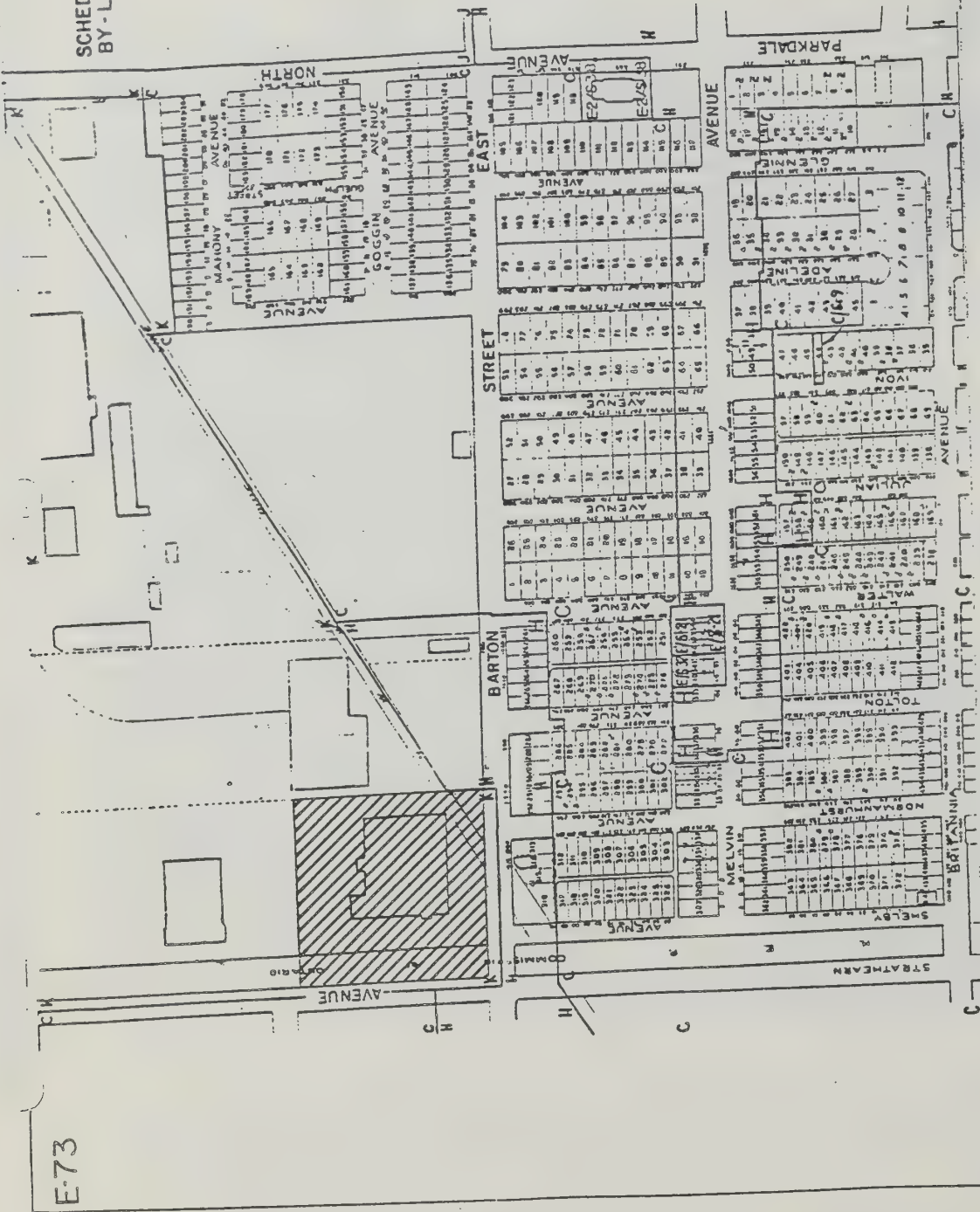
THE CORPORATION OF THE CITY OF HAMILTON

[Signature]
City Clerk

J-11

[Signature]
Mayor

SCHEDULE "A1" TO
BY-LAW NO. 84-



C-1. 85-0

LEGEND

Lands on Sheet No. E-73 of the Zoning District Maps to be re-zoned from "K" (Heavy Industry, etc.) District to "G-1" (Designed Shopping Centre) District.

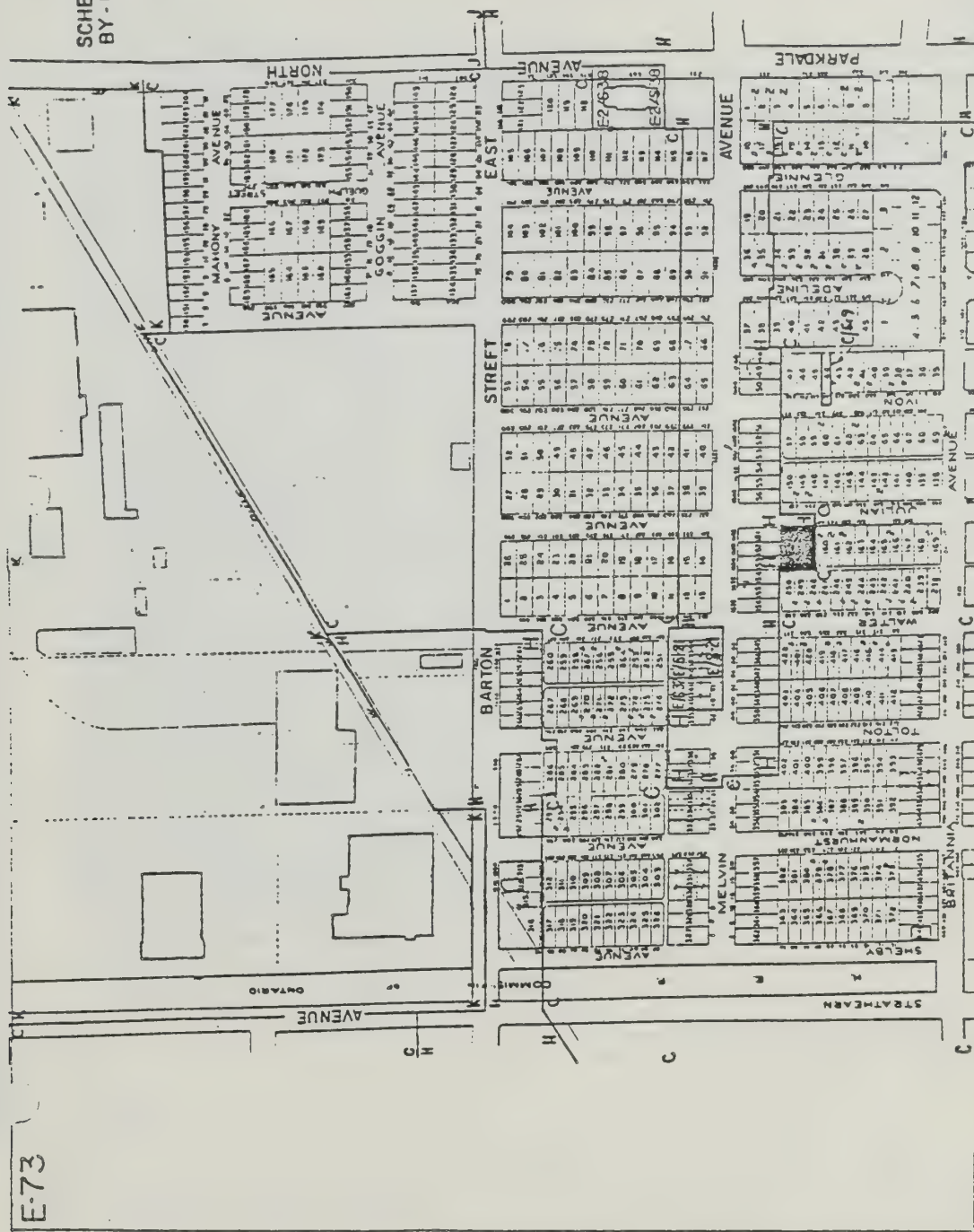
Bill No.

This is Schedule "A1" to By-law No. 84-46 passed the 29th day of February, 1984

THE CORPORATION OF THE CITY OF HAMILTON

[Signature]
City Clerk

[Signature]
Mayor



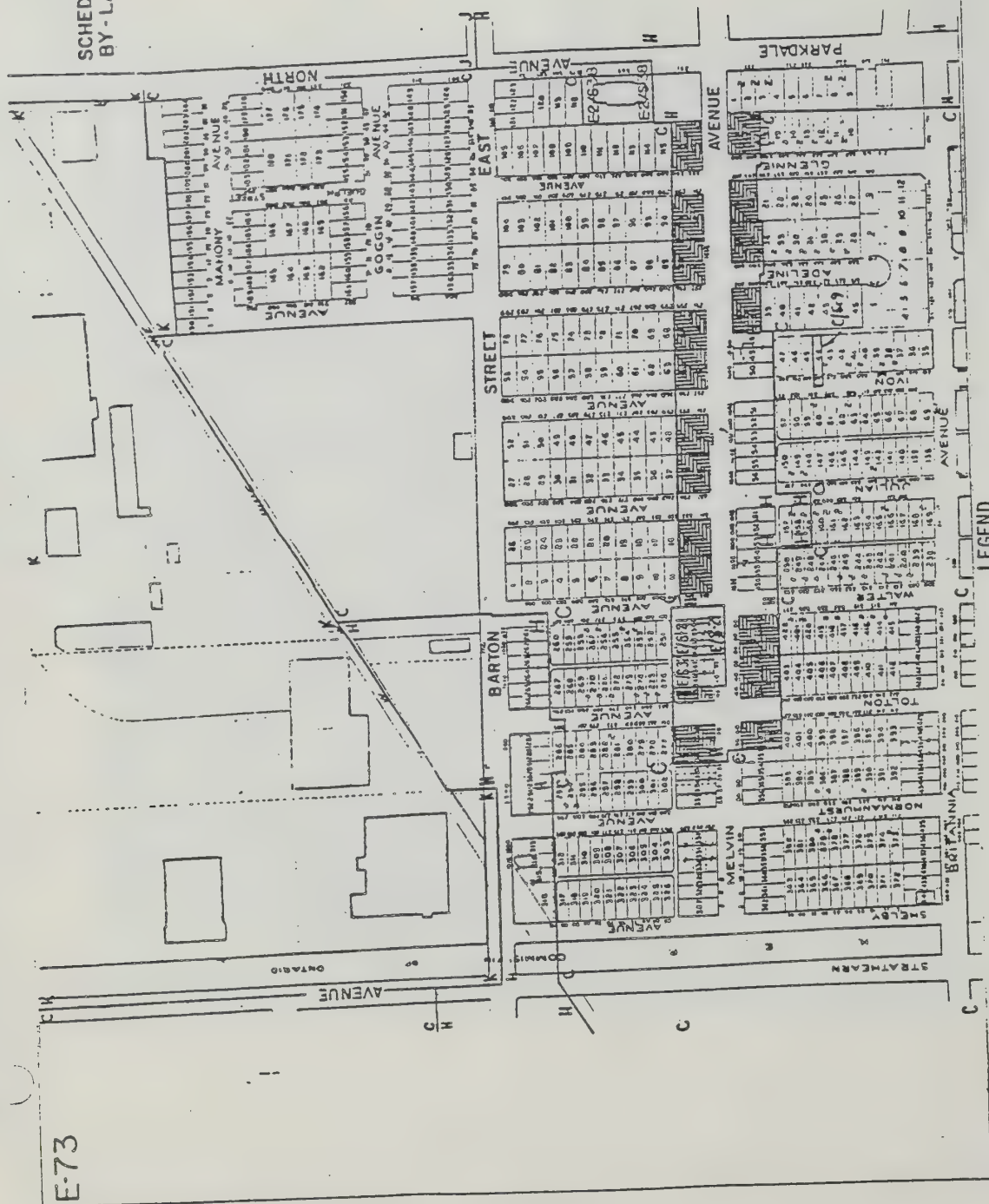
This is Schedule "A2" to By-law No. 84-46 passed the 29th day of February, 1984

[Signature]
City Clerk

THE CORPORATION OF THE CITY OF HAMILTON

[Signature]
Mayor

SCHEDULE "A3" TO
BY-LAW NO. 84 -



C.I. 83-0

LEGEND

Lands on Sheet No. E-73 of the Zoning District Maps to be re-zoned from "H" (Community Shopping and Commercial, etc.) District to "C" (Urban Protected Residential, etc.) District.

Bill No.

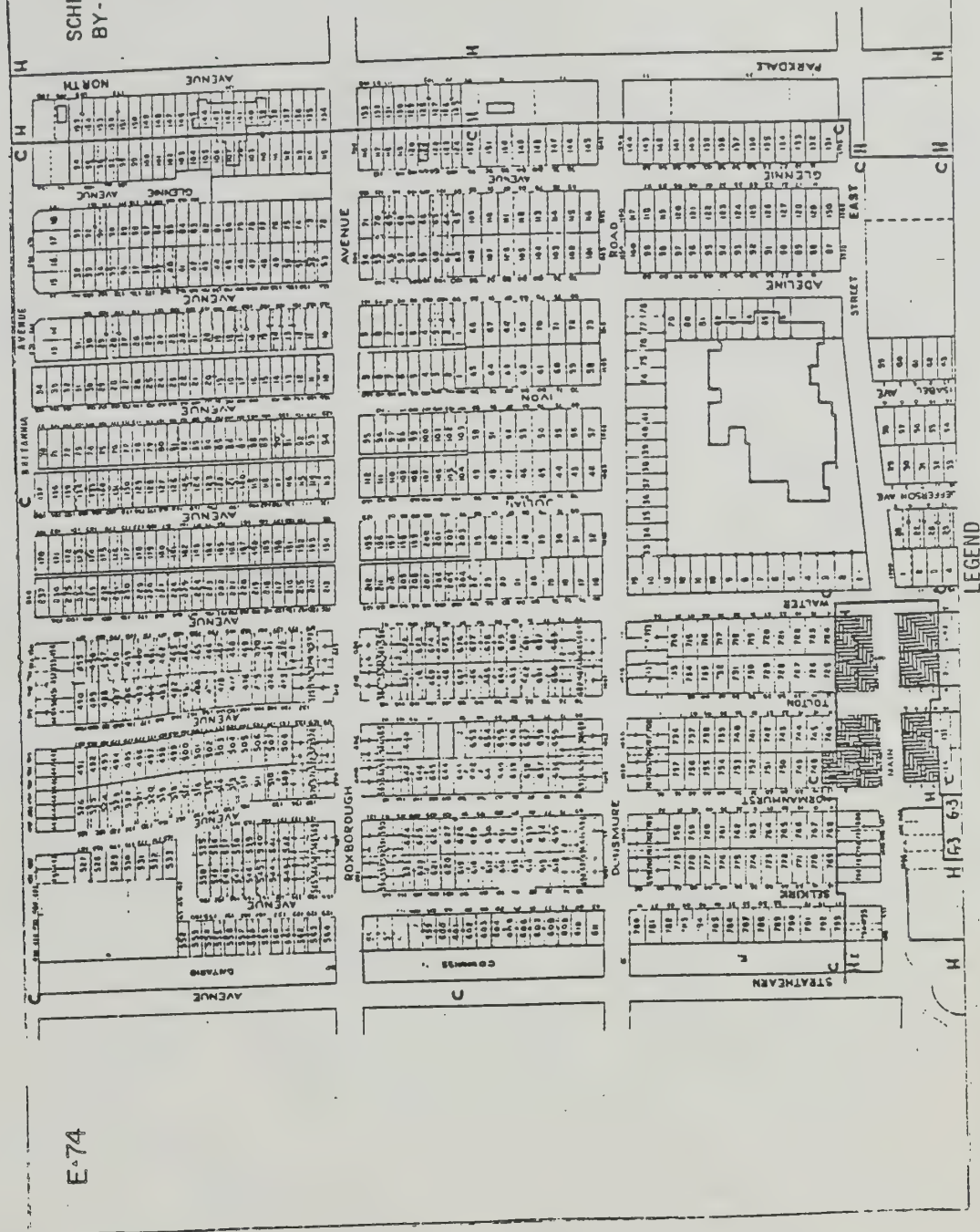
This is Schedule "A3" to By-law No. 84-46 passed the 29th day of February, 1984

[Signature]
City Clerk

THE CORPORATION OF THE CITY OF HAMILTON

[Signature]
Mayor

E-74



Lands on Sheet No. E-74 of the Zoning District Maps to be re-zoned from "H" (Community Shopping and Commercial, etc.) District to "C" (Urban Protected Residential, etc.) District.

This is Schedule "A4" to By-law No. 84-46 passed the 29th day of February, 1984

City Clerk

Mayor

E-12
E-73

F.73

THE CORPORATION OF THE CITY OF HAMILTON

J-16

Mayor

Lands on part of Sheet No. E-72 and Sheet No. E-73 of the Zoning District Maps to be re-zoned from "K" (Heavy Industry, etc.) District to "J" (Light and Limited Heavy Industry, etc.) District (Modified to Permit the Existing Use and Expansion Thereof)

46 USES ELIMINATED BY
ZONING CHANGE FROM "K" TO "J"

Acid Manufacture and storage
Acetyline Gas Manufacture and storage
Ammonia Manufacture and storage
Asphalt and Asphalt products
Manufacture
Celluloid Manufacture and storage
Cellulose Manufacture
Cement Manufacture
Cement Products Manufacture
Chlorine and Chlorine Bleaches Manufacture
Coke Oven
Corrosion of Aluminum, Copper, Iron, Tin, Lead or Zinc
Disinfectant Manufacture
Distillation Plant
Dressings Manufacture
Emery Cloth Manufacture
Fertilizer Manufacture
Firework Manufacture
Garbage Dump
Gas Plant
Glue Manufacture
Graphite Manufacture
Incinerator
Insecticide Manufacture
Lacquer Manufacture
Metal Products Manufacture
Metal Products Manufacture where Cutting, Shearing, Hammering,
Rolling, Acture Stamping or Grinding Operations take place
Metallic Sodium Manufacture
Nitrating Plant
Non-Ferrous Metals Manufacture and Corrosion
Paints and Varnish Manufacture
Petroleum and Petroleum Products Manufacture
Polishes Manufacture
Potash Manufacture
Primary Metals Plant
Potash Manufacture
Primary Metals Plant
Propane Gas Manufacture or Storage
Pyroxylin Manufacturer or Storage
Rayon Manufacture
Rock Crushing Plant
Salvage Yard
Sand Paper Manufacture
Sheet Mica Manufacture
Slaughter House and Stock Yard
Tallow Rendering Plant
Tannery
Tar and Tar Products Manufacture
Textile Factory

RECEIVED

JUN 7 1985

LEGAL DEPARTMENT
THE CORPORATION OF
THE CITY OF HAMILTON



Ontario

Ontario Municipal Board

APPENDIX 4

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IN THE MATTER OF Section 17(11) of The Planning Act, 1983

- and -

IN THE MATTER OF a reference to this Board by the Honourable Claude F. Bennett, Minister of Municipal Affairs and Housing on a request by Earl R. Cranfield on behalf of the Otis Elevator Company Limited and R. Denninger Limited for consideration of proposed Amendment Number 11 to the Official Plan for the City of Hamilton, Minister's File No. 25-OP-0058-011

- and -

IN THE MATTER OF Section 39 of The Planning Act (R.S.O. 1980, c. 379),

- and -

IN THE MATTER OF an application by the Corporation of the City of Hamilton for approval of its Restricted Area By-law 82-07 as amended by By-law 84-4

- and -

IN THE MATTER OF an application by the Corporation of the City of Hamilton for approval of its Restricted Area By-law 82-09 as amended by By-law 84-5

- and -

IN THE MATTER OF an application by the Corporation of the City of Hamilton for approval of its Restricted Area By-law 82-11 as amended by By-law 84-6

- and -

IN THE MATTER OF an application by the Corporation of the City of Hamilton for approval of its Restricted Area By-law 82-13 as amended by By-law 84-7

- and -

IN THE MATTER OF an application by the Corporation of the City of Hamilton for approval of its Restricted Area By-law 82-15 as amended by By-law 84-8

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and

IN THE MATTER OF an application by the
Corporation of the City of Hamilton for
approval of its Restricted Area By-law
82-17 as amended by By-law 84-9

C O U N S E L :

P.M. Eker	- for the City of Hamilton
J.R. Tidball	- for the Ministry of the Environment
J.T. Slinger and Fatima Mohideen	- for North Central Community School Association
A.I. Foreman, Q.C.	- for Sam's Auto Wrecking Co. Ltd.
A. Wellenreiter, Q.C.	- for R. Denninger Limited
E.R. Cranfield, Q.C.	- for Otis Elevator Company Limited

DECISION OF THE BOARD delivered by P.G. WILKES

In January 1983, this panel of the Board heard applications by the City of Hamilton for approval of its by-laws 82-7, 82-9, 82-11, 82-13, 82-15 and 82-17. These by-laws down zone about 23.5 acres of land by prohibiting some 35 categories of industrial use in the existing heavy industrial zone bordering the residential area of the Keith Neighbourhood. The expressed purpose of the by-laws is to afford some protection to the 1600 residents of the Keith Neighbourhood from 35 potentially incompatible categories of use which would otherwise be permitted on the nearby industrial lands. The industrial area in question is approximately 100 metres in width, affecting the lands of six industrial organizations lying to the north, west and east of the residential area, and the six by-laws are worded so as to permit the existing use to continue as a permitted use on the property of each of the six organizations.

In its decision of March 2, 1983, dealing with the merits of the applications, the Board found that the by-laws conformed with the Official Plan, but noted that:

".....it might have been helpful if a site specific Official Plan Amendment had been approved which set out specific policies that support the zoning by-laws."

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The Board also concluded that:

"the evaluation process used by the planner and the Ministry of the Environment representatives fails to justify the selection of the thirty-five uses in a number of instances."

and

".....more study is required to select properly the uses or components of uses that should be prohibited in these by-laws. In saying this, the Board has concluded that more emphasis should be given to the powers available to the Ministry of the Environment and to the municipality."

and

"....the Board has concluded from the evidence that the adverse effects on the industrial lands of the downzoning are not outweighed by the benefits to the residential community. The Board is, therefore, not satisfied with the by-laws in their present form. However, it is clear from the evidence that upon further consideration by the municipality it might well be appropriate to prohibit certain uses from the lands in question. The Board will, therefore, adjourn the hearing for a period of twelve months to give the municipality the opportunity of reconsidering the by-laws with more detailed consideration given to the industrial uses involved, including their component uses, in the light of modern industrial techniques and with due consideration to the powers available to the Ministry of the Environment and the municipality."

In response to this decision and after the Board's granting an extension in time, the hearing continued in June 1984. This time the Board was asked to consider the six by-laws dealt with in 1983, and in addition, to consider six amending by-laws and an Official Plan Amendment. The hearing was adjourned until September 1984 to give the municipality time to serve notice of the Official Plan Amendment. The hearing continued in September, and after two further interruptions because of time constraints, was completed at the end of February 1985.

At the continuation, the City, the Ministry of the Environment (MOE) and the North Central Community School Association, each of whom was represented by counsel, called witnesses in support of all of the applications. The City's evidence was given by a staff planner and by the Director of the Occupational Health Program at McMaster University. The MOE's witnesses were a senior environmental planner, the Hamilton District Officer and a senior project engineer with the noise abatement unit, all

three of whom are on staff with the Ministry. The Community School Association called a number of nearby residents, a community school worker, the economic development commissioner of the City of Scarborough and a social planner. One unrepresented resident also gave evidence in support of the applications.

During the course of the hearing, all of the six companies directly affected by the applications were represented by counsel who called witnesses in opposition to all of the applications. These witnesses included representatives of the companies as well as representatives of other corporations who, although not directly affected by the subject application, expressed concern over the possibility of similar industrial down zoning in residential areas elsewhere in the municipality. In addition, the industries called the building commissioner, two representatives of the Chamber of Commerce, a land use planner, a real estate appraiser, an environmental planner, the Regional Director of Economic Development, a representative of the Hamilton Real Estate Board, a medical doctor with the family practice unit of the Hamilton General Hospital, a medical doctor with the faculty of medicine at McMaster, and one Keith neighbourhood resident, all of whom gave evidence which supports the industry's position in opposition to the applications.

The issues dealt with at the continuation were the same as those dealt with prior to the Board's decision of March 2, 1983. However, this time a different process had been used by the City's planner and the MOE in arriving at the selection of the prohibited categories set out in the by-laws as amended, and now numbering some forty-one categories of industrial use.

The earlier selection had been carried out by the planner and an MOE officer who, together, made evaluations of what they considered to be the impact on nearby residences of industrial uses permitted in Heavy Industrial zones based on the perception that these two individuals had of the

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contribution of each use to fire, air pollution, noise pollution and visual pollution. Those uses, which in their opinion, scored poorly on their evaluation sheet, became prohibited uses in the by-laws.

This time the planner submitted a list of 102 industrial categories of use to the MOE, the Hamilton Fire Department and the Director of the Occupational Health Program of McMaster asking them for comments and recommendations as to the compatibility of such uses with residential neighbourhoods. From the responses received, the planner prepared a recommendation, filed as Appendix 4, Tab 9, Exhibit 2, in which he listed 41 categories of use to be excluded from the "Keith Buffer Zone", and summarized why he recommends that each of the categories be excluded.

The response received from the Ministry of the Environment is based on investigations carried out by the Ministry, following the Board's decision of March 2, 1983. The MOE's Industrial Abatement and Approvals staff from across the province were requested to fill out a survey form, ten of which were sent to each district. Ministry of Environment staff were requested to select from as broad a range as possible of light, medium, heavy and ultra-heavy industrial uses with which they had first hand experiences. The results from 148 survey forms were summarized on three tables set out in Exhibit 16 and were further classified by other MOE staff into light, medium and heavy industrial uses. In most cases, the Abatement Officers included recommendations as to the separation distances that should be provided between industrial uses dealt with and nearby residential uses. The planner in preparing his list of 41 prohibited uses relied more heavily on the casebooks filed as Exhibits 16 and 16A than on any other information available to him. The difficulty the Board faces in accepting this procedure is as follows. First, none of the Ministry of the Environment staff who filled out the survey forms was present at the hearing to be questioned. Secondly, because of this, it is impossible to tell whether the distances recommended by the staff were assumed to be used for downzoning instead of a new "greenfield" situation, and whether or not the staff member

would adjust his recommendations in the light of the proposed 100 metre downzoning strip. Thirdly, it is also impossible to know whether or not the distances recommended were simply meant to lessen the work of the Ministry of the Environment in carrying out its duties under the Environmental Protection Act, in terms of providing certificates for new installations, and in monitoring, controlling and sometimes stopping, and/or fining existing operations in contravention of the Act. Fourthly, it is not likely that the staff who filled out the forms had been advised of the depth of 100 metres proposed for the downzoning. Otherwise, they would not have recommended distances of up to 1000 metres in many instances. There is no way of knowing whether or not the staff would support a 100 metre separation in the many instances in which they have recommended separation of many times that amount. It might well be their view that the smaller buffer would simply give a false sense of security, particularly where health hazards might be involved. Fifthly, there are a number of categories in which only one form was filled out dealing with one of the categories of industry. In other instances, there are merely two or three such filled out forms. The problem in such cases is that reliance has been placed entirely on the filled out form, and it is impossible to tell the degree of knowledge of the author with respect to the category of industry involved. It seems to be an unscientific process to prohibit an entire category of industry with all of its modern equipment and technique because of the opinion of one staff member with a knowledge of one industry of uncertain date and sophistication which he believes is representative of the category involved. Sixthly, it is not possible to tell from the forms whether in a given period of time there was one occurrence resulting in 50 complaints, or 50 occurrences resulting in 50 complaints, or any combination in between. Furthermore, there is no way of telling whether the complaint was serious, frivolous or any stage in between. It was not possible to probe further into these matters at the hearing because the staff members who filled out the survey forms were not available for cross-examination.

The Ministry of the Environment witnesses who were present at the

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hearing acknowledged that there were powers in the Environmental Protection Act to deal with hazardous uses, and the kind of annoying uses which would otherwise require substantial separations. They would look to the municipality for assistance in the passing of a municipal noise control by-law presently under preparation.

The real concern of the Ministry of the Environment, when it is all boiled down, is the difficulty of controlling what they refer to as fugitive emissions. These can come from exhaust fumes, open windows, open doors and other places which are almost impossible to control through the issuance of certificates or other powers under the Act. However, in dealing with this matter of fugitive emissions, the Ministry of the Environment admitted that there do not appear to be compelling reasons why the 41 prohibited uses would be worse offenders than the other industrial categories not prohibited by these by-laws.

In considering the Ministry's evidence leading towards the selection of the prohibited uses, the Board appreciates the amount of work done by the City and the Ministry of the Environment since the issuing of the earlier decision. However, there still remains the concern over whether or not the benefits gained by the proposed downzoning outweigh the adverse effects on the lands of the organizations involved.

In saying this, it is clear to the Board from the evidence that if there were no development of any kind in place and this were a "greenfield" situation, the Board might well agree to the kinds of buffering recommended in the case books, so as to avoid problems between residential land use and the operation of the industries involved, but even then there would be a substantial role for the Ministry of the Environment in protecting people working in heavy industry and in a light industrial buffer zone from any hazardous effects from industry's not permitted in such buffers.

However, this is not a "greenfield" situation. Instead, industrial and

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residential development grew up together, beginning at the turn of the century and they have for the most part existed side by side as good neighbours since that time.

Some years ago, the entire area, including the residential area of the Keith Neighbourhood, was zoned for industrial use even though the residences had been in existence for many years before such zoning was put in place. The evidence indicates that because of the non-conforming use status of the houses, the residents were facing difficulties in obtaining mortgage money and other forms of financing and as a result had requested a rezoning of their lands to a residential category. The surrounding industries, recognizing the benefits to their residential neighbours did not object to the by-law rezoning the residential properties for residential use, and the Board gave its approval to the by-law.

Subsequently, the City's planners prepared a neighbourhood plan, whose lack of status has already been dealt with in the 1983 decision of the Board, and based on this plan and the recommendations of the planning staff, the City passed the by-laws, downzoning the land in question.

In preparing the list of prohibited uses, the planner also relied on correspondence from the City's Chief Fire Prevention Officer, filed as Appendix 7 of Tab 9 of Exhibit 2. This official was not called as a witness, and the documentation following his letter simply noted that various industrial categories were "flammable" or involved "flammable materials" or were "corrosive" or "explosive". The Board does not find this evidence to be very helpful, and the planner admitted that he did not place as much reliance on it as he placed on the documentation of the Ministry of the Environment.

The planner also relied to a limited extent on the evidence of the representative of the Health Program at McMaster, filed as Appendix 8, Tab 9, Exhibit 2. This evidence is also too general to be of much help. The

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oral evidence given by the witness in support of this material indicated that no studies or investigations had been carried out to support the general conclusions reached. However, he believes that it is not sufficient to rely upon government authorities such as the Ministry of the Environment, even with the powers available under the legislation, since it is his belief that such authorities are never able to provide adequate monitoring and control in actual practice.

The Keith Neighbourhood residents themselves, in giving evidence in support of the application, expressed fears over safety, appearance, traffic, air pollution and the possibility of a decrease in the values of their properties. This evidence was substantially the same as that given at the earlier hearing, and was dealt with in the earlier decision of the Board. The greatest concern of the residents appeared to be the possibility of the expansion of or the repetition of an operation such as Sam's Auto Wrecking, which is located within the proposed 100 metre strip, and to an obnoxious smelling plant such as that presently in existence in a more restricted industrial zone outside the proposed buffer south of the residential area of the Keith Neighbourhood. As for Sam's, one of the residents expressed concerns over the appearance of Sam's property from a second storey window and others complained of a crushing noise heard from time to time. As to the obnoxious smelling plant to the south, there was no evidence to indicate that such an operation would be prohibited in the properties in question by the downzoning by-laws, since the operation was permitted on lands already zoned for restricted industrial use.

In dealing with all of this evidence in support of the by-laws, the Board must weigh such evidence against the adverse effects on the industries involved.

First, examples were given of industries such as Otis who might well be asked to submit quotations for the manufacture of items which are part of their business and which might require a process such as aluminum

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manufacturing which had been discontinued at the time of the passing of the by-law. In such cases, Otis would simply be unable to quote because of the time required to get an amending by-law in place or to discover whether or not they would be breaking the law by manufacturing aluminum on the basis of it being an accessory use. Similar problems were expressed by other companies who were concerned about the lack of flexibility in their operations that would result from the categories of prohibitions set out in the by-laws, and the Board accepts the seriousness of these concerns.

Secondly, the industries are concerned that there would be a depreciation in the value of their land and buildings if the industries were to attempt to sell, rent or lease all or part of their buildings, and the Board accepts the real estate evidence of the industries in this regard, although the actual losses would be difficult to estimate. In any event, the evidence shows that the by-laws would substantially reduce the numbers of companies who might be interested in operating their businesses in the downzoned strip, and that in itself would have an adverse effect on the existing landowners.

Thirdly, there is a very real fear in the business and industrial community in Hamilton that this will be the first of a number of attempts to use a process of downzoning strips of heavy industrial lands around pockets of existing residential development in the City, and the City's planning evidence did nothing to dispel such concerns. The industries are concerned that, not only would the future downzoned properties be adversely affected, but the downzoning process begun by the subject by-laws would be taken by the business community at large as a signal of discouragement of heavy industry in the Hamilton region with an accompanying erosion to the region's industrial base.

Fourthly, industries in the area are uneasy about the arbitrary nature of the proposed 100 metre buffer. The evidence indicates that a much wider strip was originally proposed, and was subsequently reduced to 100 metres so

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that the municipality would have to deal with only six objecting companies, not the twenty or thirty odd companies who would have been directly affected by the wider strip. The industries are concerned that, because of the arbitrary nature of the selection of the width of the strip, there might well be subsequent applications to increase its width leading to further adverse effects on industry in the area.

Fifthly, the broad categories used for the listing of prohibited uses actually encompass literally hundreds of industrial operations, many of which in the industry's view, could not possibly have a harmful effect on nearby residential use. For example, the manufacture of aspirin and other pharmaceuticals would probably be prohibited as falling within the category of "Chemical and Allied Product Manufacture". Similarly, many very light industrial operations could be excluded as being Non-Ferrous Metal Manufacture and Corrosion. In the extreme, the process of producing distilled water might not be permitted as being in the prohibited category of a Distillation Plant. Perhaps this could have been overcome by the proponents of the by-laws reconsidering the first set of by-laws with more consideration given to the industrial uses involved, including their component uses, in the light of modern industrial techniques. However, there was no evidence to indicate that such investigations were carried out following the earlier decision of the Board.

The Official Plan Amendment, O.P.A. No. 11, adopted after that earlier decision, is not very helpful. It indicates that the purpose of the amendment is to establish a "zoning buffer" on the lands involved. It lists the same prohibited uses that are found in the zoning by-law, and like the by-laws permits the continuation of existing uses as permitted uses. It also sets out a new policy allowing amendments to be made to the by-law, without the need for a further official plan amendment, providing that such zoning amendments meet a number of tests. Official Plan Amendment No. 11 is silent on the rationale for the 100 metre width. It is also silent on the contributions of the Ministry of the Environment and others in this and

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perhaps other downzoning processes. There is no indication of whether or not the principle of downzonings of this kind has been accepted as the way in which Hamilton intends to deal with the interface of heavy industry and residential use. Instead, the Official Plan Amendment does little more than repeat the provisions set out in the by-laws, without providing the kinds of policies that normally form the basis for by-laws which have such far reaching effects.

In considering all of the evidence, the Board has not changed its conclusion set out in the earlier decision that the adverse effects of these by-laws on the industries substantially outweigh any benefit to the public interest. In short, the Board considers these by-laws to have a substantial adverse effect on the industries for the reasons set out above. The Board also finds the proposed downzoning of the 100 metre strip to be based on arbitrary judgments, for the most part, being incapable of fulfilling the purposes for which it was chosen, and in this situation contributing to a false sense of security about protection which should be the responsibility of the Ministry of the Environment and through other controls such as noise control by-laws available to the City.

In saying this, it is perfectly clear to the Board from the evidence that there are certain industrial operations which should not take place within the proposed buffer, or for that matter, for a substantial distance beyond such a buffer. Amongst such uses would be a Coke Oven, a Garbage Dump, a Paper Mill, and other large industrial uses listed in the proposed by-law, and the Board has no doubt that the landowners would accept the prohibition by by-law of a few of such obvious categories of use. Frankly, no one in his right mind would contemplate such uses on the lands in question.

There was insufficient evidence to allow the Board to pick and choose from amongst the 41 categories, and in any event, none of the parties asked the Board to do so, and the Board is content to rely on the good judgment of

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potential users as well as the availability of ample government controls rather than downzoning to prohibit uses which quite clearly would never take place.

As a result of the findings set out in the decision, the Board has concluded from the evidence that the Official Plan Amendment and the by-laws as written are not in accordance with good planning principles.

The Board will, therefore, refuse to give its approval to:

Official Plan Amendment No. 11.

By-law 82 07 as amended by By-law 84-4

By-law 82.09 as amended by By-law 84-5


By-law 82.11 as amended by By-law 84-6

By-law 82.13 as amended by By-law 84-7

By-law 82.15 as amended by By-law 84-8

By-law 82.17 as amended by By-law 84-9

DATED at Toronto this 5th day of June 1985.


A.J.L. CHAPMAN
MEMBER


P.G. WILKES
MEMBER

Keith Response to OMB Decision

1. "None of the Ministry of the Environment staff who filled out the survey forms was present at the hearing to be questioned."

Response

True, but John Vogt, who supervised people who filled out forms and was able to comment on most types of industry himself, was present. There was a logistics problem in bringing the many staff to the hearing from all over the Province in a limited amount of hearing time.

2. "Secondly, because of this, it is impossible to tell whether the distances recommended by the staff were assumed to be used for downzoning instead of a new "greenfield" situation, and whether or not the staff member would adjust his recommendation in the light of the proposed 100 metre downzoning strip."

Response

Clearly they were supposed to be used in any situation. Otherwise the Ministry would not have been at the hearing supporting the bylaw and Official Plan amendments. The balancing factor is the impact on uses affected by the buffer.

3. "Thirdly, it is also impossible to know whether or not the distances recommended were simply meant to lessen the work of the Ministry of the Environment in carrying out its duties under the Environmental Protection Act, in terms of providing certificates for new installations and in monitoring, controlling and sometimes stopping, and/or fining existing operations in contravention of the Act."

Response

They would certainly lessen the work of the Ministry and clearly improve the quality of life.

4. "Fourthly, it is not likely that the staff who filled out the forms had been advised of the depth of 100 metres proposed for downzoning, otherwise it would not have recommended distances of up to 1000 metres in many instances."

Response

Clearly the Ministry are saying that the larger the separation distance the greater is the potential impact of a particular industry.

5. "There is no way of knowing whether or not staff would support a 100 metre separation in the many instances in which they have recommended separation of many times that amount. It might well be their view that the smaller buffer would simply give a false sense of security, particularly where health hazards might be involved."

Response

Clearly some distance is better than no distance especially where noise is concerned. Any sense of security seems to be better than no security.

6. "Fifthly, there are a number of categories in which only one form was filled out dealing with one of the categories of industry. In other instances there are merely two or three such forms filled out. The problem in such cases is that reliance has been placed entirely on the filled out form, and it is impossible to tell the degree of knowledge of the author with respect to the category of industry involved. It seems to be an unscientific process to prohibit an entire category of industry with all of its modern equipment and technique because of the opinion of one staff member with a knowledge of one industry of uncertain date and sophistication which he believes is representative of the category."

Response

This is the best evidence available and not refuted. Bylaws are the tools we use in planning and they specify use as the control. The Official Plan Amendment builds in safeguards for new production processes and allows them if they can be shown to be relatively compatible.

7. "Sixthly it is not possible to tell from the firms whether in a given period of time there was one occurrence resulting in 50 complaints, or 50 occurrences resulting in 50 complaints, or any combination in between. Furthermore, there is no way of telling whether the complaint was serious, frivolous or any stage in between."

Response

Complaints are a method of measurement but are not scientific. Yet complaints, based on a combination of intensity and frequency, are a good indication of the size of the problem.

8. "The Ministry 'would look to the municipality for assistance in the passing of a municipal noise control bylaw presently under preparation.'"

Response

Noise is far easier to control where the industries are not noisy. The proposed noise bylaw is only a partial answer to the noise problem since the Ministry guidelines are impractical in areas like Keith.

9. "The real concern of the Ministry of the Environment, when it is all boiled down, is the difficulty of controlling what they refer to as fugitive emissions. These can come from exhaust fumes, open windows, open doors and other places which are almost impossible to control through the issuance of certificates or other powers under the Act. However, in dealing with this matter of fugitive emissions, the Ministry of the Environment admitted that there do not appear to be compelling reasons why the 41 prohibited uses would be worse offenders than the other industrial categories not prohibited by these by-laws."

Response

There was evidence to suggest that the fugitive emissions of the 41 uses would have a greater impact than other industrial categories except those included for other than environmental reasons.

10. "In considering the Ministry's evidence leading towards the selection of the prohibited uses, the Board appreciates the amount of work done by the City and the Ministry of the Environment since the issuing of the earlier decision. However, there still remains the concern over whether or not the benefits gained by the proposed downzoning outweigh the adverse effects on the lands of the organizations involved."

Response

Agree.

11. "In saying this, it is clear to the Board from the evidence that if there were no development of any kind in place and this were a "greenfield" situation, the Board might well agree to the kinds of buffering recommended in the case books, so as to avoid problems between residential land use and the operation of the industries involved, but even then there would be a substantial role for the Ministry of the Environment in protecting people working in heavy industry and in a light industrial buffer zone from any hazardous effects from industry's (sic) not permitted in such buffers."

Response

It is difficult for the Board to conclude this if they do not accept any of the evidence.

12. "In preparing the list of prohibited uses, the planner also relied on correspondence from the City's Chief Fire Prevention Officer, filed as Appendix 7 of Tab 9 of Exhibit 2. This official was not called as a witness, and the documentation following his letter simply noted that various industrial categories were 'flammable' or involved 'flammable materials' or were 'corrosive' or 'explosive'. The Board does not find this evidence to be very helpful, and the planner admitted that he did not place as much reliance on it as he placed on the documentation of the Ministry of the Environment."

Response

This is a good example of the legalistic approach. The Board does not seem to accept the undisputed written word of a fire officer who says a firework factory could cause danger from explosion.

13. "The planner also relied to a limited extent on the evidence of the representative of the Health Program at McMaster, filed as Appendix 8, Tab 9 of Exhibit 2. This evidence is also too general to be of much help. The oral evidence given by the witness in support of this material indicated that no studies or investigations had been carried out to support the general conclusions reached. However, he believes that it is not sufficient to rely upon government authorities such as the Ministry of the Environment, even with the powers available under the legislation, since it is his belief that such authorities are never able to provide adequate monitoring and control in actual practice."

Response

The witness said that there was conclusive evidence about a limited number of uses being health hazards. These were excluded.

14. "The Keith Neighbourhood residents themselves, in giving evidence in support of the application, expressed fears over safety, appearance, traffic, air pollution and the possibility of a decrease in the values of their properties. This evidence was substantially the same as that given at the earlier hearing, and was dealt with in the earlier decision of the Board. The greatest concern of the residents appeared to be the possibility of the expansion of or the repetition of an operation such as Sam's Auto Wrecking, which is located within the proposed 100 metre strip, and to an obnoxious smelling plant such as that presently in existence in a more restricted industrial zone outside the proposed buffer south of the residential area of the Keith Neighbourhood. As for Sam's, one of the residents

expressed concerns over the appearance of Sam's property from a second storey window and others complained of a crushing noise heard from time to time. As to the obnoxious smelling plant to the south, there was no evidence to indicate that such an operation would be prohibited in the properties in question by downzoning by-laws, since the operation was permitted on lands already zoned for restricted industrial use."

Response

New evidence was brought forward on the regeneration of the neighbourhood and consequently future values of residential property. Although Sam's would be a permitted use, Sam's brother with a crusher, (which would not be a permitted use) would be an infinitely worse neighbour. It is hard to believe that the Board did not discover that Curry products manufactures tar products and such a use would not be permitted in the buffer.

15. "In dealing with all of this evidence in support of the by-laws, the Board must weigh such evidence against the adverse effects on the Industries involved.

"First, examples were given of industries such as Otis who might well be asked to submit quotations for the manufacture of items which are part of their business and which might require a process such as aluminum manufacturing which had been discontinued at the time of the passing of the by-law. In such cases, Otis would simply be unable to quote because of the time required to get an amending by-law in place or to discover whether or not they would be breaking the law by manufacturing aluminum on the basis of it being an accessory use. Similar problems were expressed by other companies who were concerned about the lack of flexibility in their operations that would result from the categories of prohibitions set out in the by-laws, and the Board accepts the seriousness of these concerns."

Response

This concern was expressed by Otis as a new piece of evidence at the hearing. However, this does not seem to be an overriding concern since the situation exists all over the City and does not seem to cause problems.

16. "Secondly, the industries are concerned that there would be a depreciation in the value of their land and buildings if the industries were to attempt to sell, rent or lease all or part of their buildings, and the Board accepts the real estate evidence of the industries in this regard, although the actual losses would be difficult to estimate. In any event, the evidence shows that the by-laws would substantially reduce the numbers of companies who might be interested in operating their businesses in the downzoned strip, and that in itself would have an adverse effect on the existing landowners."

Response

The number of uses interested in the affected sites, if sold, would be decreased but several hundred other uses would be permitted. It is the older type of industries which are being prohibited and there is a very limited demand from this type of industry. New industries springing up are mostly light industries. Donald Cole, the Director of Economic Development, suggested Otis would make a good location for a light industrial park.

17. "Thirdly, there is a very real fear in the business and industrial community in Hamilton that this will be the first of a number of attempts to use a process of downzoning strips of heavy industrial lands around pockets of existing residential development in the City, and the City's planning evidence did nothing to dispel such concerns. The industries are concerned that, not only would the future downzoned properties be adversely affected, but the downzoning process begun by the subject by-laws would be taken by the business community at large as a signal of discouragement of heavy industry in the Hamilton region with an accompanying erosion to the region's industrial base."

Response

Certainly industry is concerned about this point. However if the issue is analysed there is little validity to the argument. John Morand, the ex Director of Economic Development did not see the erosion of the industrial base or a signal of discouragement to heavy industry as a problem with the buffer.

18. "Fourthly, industries in the area are uneasy about the arbitrary nature of the proposed 100 metre buffer. The evidence indicates that a much wider strip was originally proposed, and was subsequently reduced to 100 metres so that the municipality would have to deal with only six objecting companies, not the twenty or thirty odd companies who would have been directly affected by the wider strip. The industries are concerned that, because of the arbitrary nature of the selection of the width of the strip, there might well be subsequent applications to increase its width leading to further adverse affects on industry in the area."

Response

The arbitrary nature of the buffer comes about by the different factors and attitudes in a particular case. In the Keith case property lines, noise diminution, air quality improvement and area of land impacted were taken into account along with the attitude of affected landowner. If the Keith model were to be adopted there would be more certainty for industry.

19. "Fifthly, the broad categories used for the listing of prohibited uses actually encompass literally hundreds of industrial operations, many of which in the industry's view, could not possibly (sic) have a harmful effect on nearby residential use. For example, the manufacture of aspirin and other pharmaceuticals would probably be prohibited as falling within the category of "Chemical and Allied Product Manufacture". Similarly, many very light industrial operations could be excluded as being Non-Ferrous Metal Manufacture and Corrosion. In the extreme, the process of producing distilled water might not be permitted as being in the prohibited category of a distillation Plant. Perhaps this could have been overcome by the proponents of the by-laws reconsidering the first set of by-laws with more consideration given to the industrial uses involved, including their component uses, in the light of modern industrial techniques. However, there was no evidence to indicate that such investigations were carried out following the earlier decision of the Board."

Response

It is true that the broad categories of prohibited uses listed encompass a great many other industries. Many of these sub groups of industries may be relatively compatible with residential. However we are dealing with an existing by-law. The Official Plan Amendment specifically allows for compatible sub groups of industries to be introduced without an Official Plan Amendment. It is unrealistic to evaluate the sub groups within a year because they run into the thousands.

20. "The Official Plan Amendment, O.P.A. No. 11, adopted after that earlier decision, is not very helpful. It indicates that the purpose of the amendment is to establish a "zoning buffer" on the lands involved. It lists the same prohibited uses that are found in the zoning by-law, and like the by-laws permits the continuation of existing uses as permitted uses. It also sets out a new policy allowing amendments to be made to the by-law, without the need for a further official plan amendment, providing that such zoning amendments meet a number of tests. Official Plan Amendment No. 11 is silent on the rationale for the 100 metre width. It is also silent on the contributions of the Ministry of the Environment and others in this and perhaps

other downzoning processes. There is no indication of whether or not the principle of downzonings of this kind has been accepted as the way in which Hamilton intends to deal with the interface of heavy industry and residential use. Instead, the Official Plan Amendment does little more than repeat the provisions set out in the by-laws, without providing the kinds of policies that normally form the basis for by-laws which have such far reaching effects."

Response

The Official Plan Amendment is site specific following a suggestion by the O.M.B. in their last written decision. The general policies on industry are found in the Official Plan itself. The 100 metres is established by the Official Plan amendment and evidence was given as to why the distance was appropriate e.g. property lines, noise attenuation, air quality improvement, area of land affected and attitudes of land owners. The key provision of the Official Plan is to allow zoning changes for relatively compatible uses without the need for an Official Plan Amendment.

21. "In considering all of the evidence, the Board has not changed its conclusion set out in the earlier decision that the adverse effects of these by-laws on the industries substantially outweigh any benefit to the public interest. In short, the Board considers these by-laws to have a substantial adverse effect on the industries for the reasons set out above. The Board also finds the proposed downzoning of the 100 metre strip to be based on arbitrary judgements, for the most part, being incapable of fulfilling the purposes for which it was chosen, and in this situation contributing to a false sense of security about protection which should be the responsibility of the Ministry of Environment and through other controls such as noise control by-laws available to the City."

Response

This is a value judgement which does not appear to relate well to the evidence presented at the hearing.

22. "In saying this, it is perfectly clear to the Board from the evidence that there are certain industrial operations which should not take place within the proposed buffer, or for that matter, for a substantial distance beyond such a buffer. Amongst such uses would be a Coke Oven, a Garbage Dump, a Paper Mill, and other large industrial uses listed in the proposed by-law, and the Board has no doubt that the landowners would accept the prohibition by by-law of a few of such obvious categories of use. Frankly, no one in his right mind would contemplate such uses on the lands in question."

Response

It is interesting that the Board feels that certain uses should be prohibited. However it is inconsistent with their conclusion. It is also unlikely that industry would be prepared to accept prohibition of such industry however unlikely it would be to occur. It might also be suggested in answer to the last sentence that not everyone is in their right mind according to O.M.B. standards.

23. "There was insufficient evidence to allow the Board to pick and choose from amongst the 41 categories, and in any event, none of the parties asked the Board to do so, and the Board is content to rely on the good judgement of potential users as well as the availability of ample government controls rather than downzoning to prohibit uses which quite clearly would never take place."

Response

The Board is unlikely to get more detailed evidence on set backs. The most thorough and sophisticated analysis that has ever been presented to the Board was there before them. There have been at least 100 industries in Hamilton downzoned in a similar way with little hard evidence. The Junction Triangle downzoning in Toronto which was similar in size and context was carried through on blind faith despite objections.

June 1985

DG/sdj
wp 0580P

MINUTES

APPENDIX 6

CITY OF HAMILTON

BUSINESS LAND USE ADVISORY BOARD

DECEMBER 19, 1986

9:30 a.m.

ATTENDING

MEMBERS

Alderman John Smith - Chairman, City of Hamilton Planning & Development Committee
Don Fraser - Vice President, Hamilton & District Labour Council
Jim Thoms - Commissioner of Planning & Development, Hamilton-Wentworth Region
Chuck Towsley - Hamilton Harbour Commissioner - appointed by the Chamber of Commerce
Doug McCaw - McCaw Hall Inc. - representing the Chamber of Commerce
Patrick Dillion - Hamilton-Brantford, Ontario Building & Construction Trades Council

Absent

Ben Ciprietti - Dofasco - appointed by the Chamber of Commerce
John Vogt - District Officer, Ministry of Environment

STAFF/GUESTS

Victor Abraham - Director of Local Planning, Hamilton-Wentworth Region
Alex Georgieff - Division Head, Policy & Neighbourhood Planning, Hamilton-Wentworth Region
David Godley - Manager, Neighbourhoods Section, Hamilton-Wentworth Region
Wayne Jackson - Ministry of Environment
Dan Vyce - Director of Real Estate, City of Hamilton
Mike Watson - Assistant to the Director, Real Estate Dept., City of Hamilton
John Robinson - Co-ordinator, Housing Loans, Community Development Dept., City of Hamilton

1. The Chairman called for the confirmation of the Minutes of the Board meeting of November 14, 1986. John Robinson requested that item #4 of the minutes be revised to indicate:
 - the City can apply every year to participate in the PRIDE program;
 - the City will allocate \$1 1/2 million in its budget for 1987; and,
 - the recommendation to Council is scheduled to be dealt with in January.

Doug McCaw moved and Chuck Towsley seconded a motion to confirm the minutes, as amended.

Carried.

2. David Godley, Manager of the Neighbourhood Section gave the Board a presentation on the industrial rezoning proposals of the Normanhurst Neighbourhood Plan. He highlighted:

- the Normanhurst Neighbourhood planning process;
- the implications of the Keith Zoning Buffer OMB decision; and,
- the five rezoning options, being explored by the Department for the affected industrial lands.

Discussion ensued on the following items:

- a clarification on H.H. Robertson's legal non-conforming status of the property was to be rezoned to "J";
- the appropriateness of excluding all Metal Products Manufacturing where cutting, shearing etc. and Chemical and Allied Products Manufacturing from (Appendix 2) the list of incompatible industry for Option 5. Concerns was raised that exclusion of these uses could eliminate small-scale metal producers and pharmaceutical productions whose operation may have negligible impact on the surroundings in terms of noise, vibration, dust and related environmental concerns;
- a confirmation was given on the technical analysis undertaken to derive the list of 41 incompatible industries for Option 5 and the approach used for the Keith Zoning Buffer; and,
- the release of the provincial policy statement on industrial uses and environmental concerns was determined to be as yet not scheduled for public review.

After much discussion, it was moved by Doug McCaw and seconded By Don Fraser that:

- i) Option #5 as modified to permit the existing uses on the four industrial properties as legal conforming uses(i.e. permitting H.H. Robertson "Metal Products Manufacturing"), be recommended to Planning and Development Committee as the most appropriate approach for the industrial rezonings in the Normanhurst Neighbourhood; and,
 - ii) that prior to the required public meeting for this rezoning approach, the Department together with the Business Land Use Advisory Board, meet with the principals of the four affected industrial uses.
- Carried.

3. The discussion with the Real Estate Department in the "Sale of City - Owned Lands Zoned M-12", was tabled until the next meeting of the Board.
4. The presentation by John Sakala on "Site Plan Control", was tabled until the next meeting of the Board.
5. Alex Georgieff, Division Head of Policy and Neighbourhood Planning advised members that Board's report on the motel/restaurant/retail proposal (CI-86-N) for the southwest corner of the Q.E.W. and Centennial Parkway was presented to the Planning and Development Committee on December 10, 1986.
6. Other business included:
 - a request for a staff presentation on the industrial policies in the Central Area Plan Update for the next meeting of the Board.
7. The next meeting of the Board is scheduled for Friday, January 23, 1987 at 9:30 a.m.
8. The meeting was adjourned at 10:55 a.m.

ACTION ITEMS

Item 2

- (a) The Planning and Development Committee be advised that the Board recommends Option #5, as modified to permit the existing industrial uses, as the most appropriate approach for the Normanhurst industrial rezonings.
- (b) The Board together with staff meet with the four affected industrial uses prior to convening the required public meeting.



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ontario L8N 3T4

November 4, 1986

Refer to File No. P5-2-69
Attention of
Your File No.

MEMORANDUM

TO: Caroline Floroff
FROM: David Godley
RE: Normanhurst Neighbourhood Rezoning

The Business Land Use Advisory Board asked for input into the report to be presented to the Planning and Development Committee for their meeting on November 14, 1986.

I attach a map showing the subject area with the proposed changes in zoning and the companies affected. The following options are available to the City to deal with By-law 84-46.

1) SUPPORT EXISTING BY-LAW

Zoning - 'K' heavy industry zoning would be changed to 'J' general industry for Coca Cola, Union Gas, HH Robertson and Auto Wrecking Yard. 46 industrial uses would be eliminated from 490 permitted uses (see Appendix 1)

Public Meeting - No public meeting required.

2) DELETE INDUSTRIAL REZONINGS

Zoning - 'K' heavy industrial zoning would remain on Coca Cola, Union Gas, HH Robertson and Auto Wreckers Yard

Public Meeting - A public meeting would be required

.../2

3) DELETE INDUSTRIAL REZONING FROM HH ROBERTSON

Zoning - 'K' heavy industrial zoning would remain for HH Robertson but the zoning for other industries would be changed from 'K' heavy industry to 'J' general industry

Public Meeting - A public meeting would be required

Rationale - HH Robertson were the only official objectors to the industrial rezoning. The HH Robertson site is further away from housing than other industries

4) APPLY KEITH ZONING BUFFER CONCEPT

Zoning - 'K' heavy industrial zoning would be modified to eliminate 41 industrial uses out of 490 uses. The generic use would be permitted on a site specific basis eg. HH Robertson would be zoned to permit 'metal products manufacturing'. Site plan control would be applied.

Public Meeting - A public meeting would be required.

5) MODIFIED KEITH BUFFER ZONING APPLIED

Zoning - 'K' heavy industrial zoning would be modified to eliminate a number of incompatible uses. Other Keith buffer provisions would apply.

Keith Buffer OMB Decision Extract

'It is perfectly clear to the Board from the evidence that there are certain industrial operations which should not take place within the proposed buffer, or for that matter, for a substantial distance beyond the buffer. Amongst such uses would be a coke oven, a garbage dump, a paper mill and other large industrial uses.'

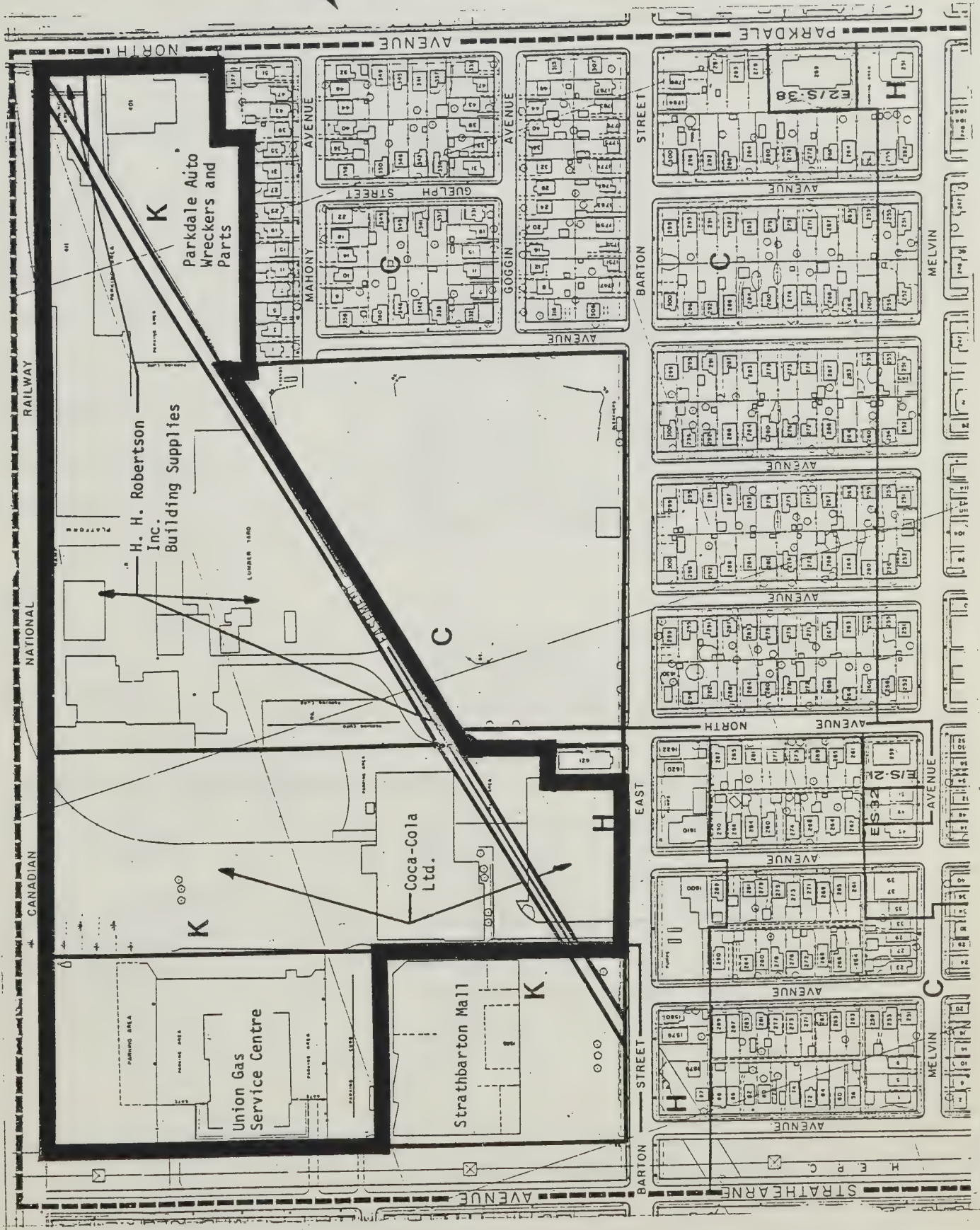
Analysis - An analysis of incompatible uses proposed is attached (see Appendix 2)

Public Meeting - A public meeting would be required.

DG:jd

David

NORMANHURST INDUSTRIAL REZONING



Subject Land For Proposed Zoning Change From 'H' or 'K' To 'J'

MINUTES

CITY OF HAMILTON

BUSINESS LAND USE ADVISORY BOARD

SPECIAL MEETING

APRIL 3, 1987
10:00 A.M.

ATTENDINGMembers

Alderman John Smith	Chairman	-	Chairman, City of Hamilton Planning and Development Committee
John Vogt		-	District Officer, Ontario Ministry of Environment
Jim Thoms		-	Commissioner of Planning and Development, Hamilton Wentworth Region
Chuck Towsley		-	Hamilton Harbour Commissioners - appointed by the Chamber of Commerce
Doug McCaw		-	McCaw Hall Inc. - representing the Chamber of Commerce

REGRETS

Don Fraser	-	Vice President, Hamilton and District Labour Council
Patrick Dillon	-	Hamilton-Brantford, Ontario Building and Construction Trades Council

REPRESENTATIVES FROM NORMANHURST INDUSTRIES

Mr. V. Sucharda	-	President, H. H. Robertson Inc.
Mr. John Whyman	-	Secretary and Corporate Controller, H. H. Robertson Inc.
Mr. Earl Cranfield	-	Solicitor for H. H. Robertson Inc.
Mr. Ross D. Parker	-	Operations Manager, Union Gas Ltd.
Mr. J. Leishman	-	Coca Cola Ltd.
Mr. Roy Burkitt	-	General Foreman, Coca Cola Ltd.
Mr. Bob Wallace	-	Assistant Area Manager, Coca-Cola Ltd.
Mr. John Pederson	-	Vice-President, Parkdale Auto Parts and Supply

STAFF/GUESTS

Victor Abraham	-	Director of Local Planning.
Alex Georgieff	-	Division Head, Policy and Neighbourhood Planning
David Godley	-	Manager, Neighbourhoods Section
Caroline Floroff	-	Planner, Policy Planning and Analysis Section
John Robinson	-	Community Development Dept.

1. Doug McCaw took the Chair in the Chairman's absence for introductions of staff, Board members and the representatives of the industries in Normanhurst. Upon arrival, Alderman Smith assumed the Chair for his introductory remarks. He clarified the purpose of the meeting and stressed that the Board wanted to hear comments from the affected industries and that the proposal being presented has not received Committee or Council approval and was still flexible at this point in time.
2. David Godley gave an historical perspective of the neighbourhood planning exercises along the residential/industrial interface including Normanhurst Neighbourhood and the Keith area. The five options in implementing the Normanhurst Official Plan and zoning by-law amendments, as detailed at the Board's meeting of December 19, 1986 were highlighted for the benefit of the representatives of the affected industries.
3. The Chairman opened the meeting for discussion. A number of questions were raised and answered by staff as follows:
 - Q. What was the difference between this proposal for Normanhurst and what was proposed for the Keith area?
 - A. It is essentially the same;
 - Q. If a legal non-conforming use wanted to expand onto an adjoining property would a rezoning be required?
 - A. Yes, expansion can only take place on present property;
 - Q. What ancillary uses would be permitted?
 - A. All ancillary uses would be permitted. This could be clarified in the amending by-law;
 - Q. What controls, other than zoning, could control noxious uses such as asphalt or acid manufacture?
 - A. John Vogt explained that the MOE primarily deals with emissions control but cannot deal with other matters such as visual intrusion, fugitive emissions, accidents, traffic, etc.; and,

- Q. Can the MOE refuse a permit?
- A. Yes, if the proposal does not meet the Ministry's standards. There is also an appeal process.

In addition, the following comments were made:

- there may be problems in the interpretation of the permitted uses, including ancillary uses;
- the OMB clearly did not support the Keith proposal, and on this basis the proposal for Normanhurst should not be endorsed;
- H. H. Robertson and Parkdale Auto wants to maintain the existing "K" zoning;
- some uses should still be removed from the "K" zone from a danger perspective, however, maybe not all 41 uses as proposed;
- the means of determining the uses that shouldn't be permitted was seriously questioned at the Keith O.M.B. and since the same means were used for Normanhurst, they must also be questioned;
- the 41 uses to be prohibited may limit expansion possibilities of the existing industries onto adjoining sites;
- no complaints from the adjacent residents in Normanhurst concerning the industry are known;
- certain uses are undesirable adjacent to residential areas. Several uses permitted in the "K" and "J" zones are not permitted at all in some municipalities. If the existing industries were to relocate elsewhere, they would have difficulty finding a municipality where the use was permitted;
- the 41 uses to be prohibited will limit uses the existing industry may not find desirable;
- Union Gas mentioned that they have spent a great deal in providing infrastructure to serve the existing industry and would lose money if these industries were to relocate; and,

- Coca-Cola expressed concern that they may wish to expand their operation to include recycling and crushing which may not be permitted.
- 4. The Chairman thanked everyone for attending the meeting and advised that the Board will deal with this matter at their next meeting.
- 5. The meeting was adjourned at 12:10 p.m.

C.F.:nd

W.P. DOC. 0464P

MINUTES

CITY OF HAMILTON

BUSINESS LAND USE ADVISORY BOARD

APRIL 24, 1987

9:30 a.m.

Attending Members

- Alderman John Smith - Chairman, City of Hamilton Planning and Development Committee
- Doug McCaw - McCaw Hall Inc. - representing the Chamber of Commerce
- John Vogt - District Officer, Ministry of Environment
- Chuck Towsley - Hamilton Harbour Commissioners - appointed by the Chamber of Commerce
- Scott Galbraith - Business Development Officer - Regional Economic Development Department

Guest: -

Mayor Robert Morrow - Mayor, City of Hamilton

Staff

- Victor Abraham - Director, Local Planning - Hamilton-Wentworth Region
- Alex Georgieff - Division Head, Policy and Neighbourhood Planning - Hamilton-Wentworth Region
- Caroline Floroff - Planner, Policy Planning - Hamilton-Wentworth Region

Absent

- Patrick Dillon - Hamilton-Brantford Ontario Building and Construction Trades Council
- Jim Thoms - Commissioner, Planning and Development Department - Hamilton-Wentworth Region
- Don Fraser - Vice-President, Hamilton and District Labour Council

1. The Chairman called for confirmation of the minutes of the Board's meetings of February 20, 1987, and April 3, 1987. It was moved by Doug McCaw and seconded by John Vogt that the minutes be adopted as written. Doug McCaw questioned the status of the Board's recommendation to the Planning and Development Committee on Site Plan Control. Staff advised that Planning and Development Committee requested the Department to prepare a preliminary evaluation looking at the merits and shortcomings of the City-wide application of Site Plan Control.

2. The Chairman introduced Mayor Morrow and asked for his comments on the proposed rezoning for the industries in Normanhurst Neighbourhood. The Mayor expressed concern over "downzoning" industry in general, and specifically as it applied to this area. He felt it did not recognize the changing economy, it limited expansion of existing industry and it negatively effects land values. The philosophy of downzoning is outdated in today's context. The City needs to encourage small business and provide room for them to expand. The Chairman thanked the Mayor for his comments on this matter and advised that the Board would give them serious consideration.

Chuck Towsley agreed that from a planning perspective the modified "K" zoning, as was recently endorsed by the Board, was the most appropriate alternative, however, he agreed with many of the points made by the OMB in its decision on the Keith rezonings. He has rethought his position on this matter and in light of the industries response to the modified "K" zoning, he now supports reintroducing the original "K" zoning.

Doug McCaw expressed agreement with this position, as well as concern that the Keith OMB decision was not made available sooner to the Board.

John Vogt pointed out that the Keith OMB decision put a lot of weight on the Ministry of Environment's legislation. He felt that this was not planning legislation and could not prevent the location of industries that would be considered noxious by adjacent residents.

Chuck Towsley moved a motion to advise the Planning and Development Committee that the Board did not support the rezoning of the industries in Normanhurst from 'K' to 'J', and that the 'K' zoning should be reintroduced. Staff advised that a public meeting would have to be held and that the current by-law would have to be rescinded. The motion was seconded by Doug McCaw and passed. John Vogt did not support the motion.

3. Staff reviewed the recent development applications received by the Planning and Development Department including:
 - a) ZA-87-23 - a rezoning application at 185, 187, 189 and 191 Hess St. North from 'JJ' to (Restricted Industry) to permit a three-storey building with ground floor commercial and residential above. This application has been circulated and is awaiting comments. No date for Planning and Development Committee consideration has been determined;

- b) ZA-87-25 - a rezoning application on the east side of Kenora Avenue, south of Barton Street from 'L-pn' (Institutional) and 'JJ' (Restricted Industry) to 'C' (Single-Family Residential). Only a small portion at the northeast corner is zoned 'JJ'. This application has been circulated and is awaiting comments. No date for Planning and Development Committee consideration has been determined; and,
 - c) DA-87-10 - a Site Plan Control Application on the west side of Upper Ottawa Street, south of Rymal Road for a hot mix asphalt plant. This application had been tabled at April 1, 1987, Planning and Development Committee and it is to be considered at the April 29, 1987 meeting. There was some discussion and concern expressed as to the nature of such a use being permitted in a "prestige" industrial district and that outside storage was also permitted. On this basis, the Board agreed to recommend to the Planning and Development Committee that the proposed development be landscaped and bermed to hide the stock piles on site.
4. Staff advised that the Planning and Development Committee received the Board's report concerning the sale of lands zoned M-12 at their February 25, 1987 meeting.
 5. Staff advised that Planning and Development Committee at their March 11, 1987, meeting directed staff to prepare a preliminary evaluation of the pros and cons of City-wide application of Site Plan Control in response to the Board's concern expressed on this matter.
 6. The Board has advised that staff was not available for the presentation on the improvement on Main Street West. This item will be on the agenda for the next meeting.
 7. Staff advised that the Department is undertaking a study to review the permitted uses in the M-15 District. This study arose out of a concern expressed by Alderman Cowell that asphalt plants were a permitted use. This study is currently under way and should be completed in two to three months. Scott Galbraith stated he expected that the remaining five to six acres will be sold before the study is completed. Victor Abraham suggested that this Board could recommend to the Planning and Development Committee that the City not sell any of its lands in this area until this study and its recommendations had been dealt with by the Committee. The Board agreed with this suggestion and it was so moved by Chuck Towsley and seconded by John Vogt. Staff was directed to prepare a resolution for the Chairman to take to the next Planning and Development Committee meeting April 29, 1987.
 8. The Chairman asked for items under other business. Doug McCaw noted that the economy was making a transition from industry to offices and commercial activity and that the City's mentality should be shifting in this direction as well. At present, the City does not offer an easy way to facilitate such change as happened in the previous urban renewal schemes of the 1960's. This City offers many positive advantages such as lower rents, affordable housing and the prospect of full GO-Train service to the east. It also offers tremendous redevelopment opportunities (e.g. King and James). How can we facilitate this change easily to encourage attractive development and be proactive rather than reactive. Discussion on this issue centred around:

- the role of the Downtown Action Plan Co-ordinating Committee;
- regional economic strategy; and,
- update of the Central Area Plan now underway.

Doug McCaw suggested a "brain storming" session on this matter for the next meeting. Staff suggested a presentation on the Region's economic strategy might be useful. Scott Galbraith said that he could review the implementation strategy for the economic strategy. The Board agreed that a presentation be made at the next meeting on the Region's economic strategy, along with the implementation strategy and a discussion on the matter.

9. The next meeting is scheduled for May 15, 1987, at 9:30 a.m. in Room 233.

10. The meeting was adjourned at 11:15 a.m.

ACTION ITEMS

Item 1

The Planning and Development Committee be advised that Business Land Use Advisory Board recommends that the 'K' zoning be introduced on the industrial area in the Normanhurst Neighbourhood and that the by-law rezoning the lands from 'K' to 'J' be rescinded and the necessary public meeting be held.

Item 3 (c)

The Planning and Development Committee be advised of the Business Land Use Advisory Board's concern regarding the provision of outdoor storage in M-15 districts during a discussion of DA-87-10 (west side of Upper Ottawa Street, south of Rymal Rd.). Accordingly, the Board recommends that the proposed development be landscaped and bermed to hide the stock piles proposed for the site.

Item 7

Staff was directed to prepare a resolution for the Chairman to take to the Planning and Development Committee meeting April 29, 1987, recommending that the City not sell any of its lands zoned 'M-15', until the review of the permitted uses in the 'M-15' Districts (now underway) has been dealt with by the Planning and Development Committee.

Item 8

Staff were requested to make a presentation on the Region's economic strategy for the Board's next meeting. Scott Galbraith will present the "implementation strategy" on this matter.



October 5, 1983

Refer to File No. P5-2-69K

Attention:

City Engineer

KEITH ZONING BUFFER

Essence of the Proposal

Forty-one uses will be removed from the "K" District on the edge of the Keith area. The list of uses is as follows:

1. Acid Manufacture and Storage
2. Ammonia Manufacture and Storage
3. Asbestos Products Manufacture
4. Asphalt and Asphalt Products Manufacture
5. Carbon Manufacture
6. Cement Manufacture
7. Chemical and Allied Products Manufacture
8. Chlorine and Chlorine Bleaches Manufacture
9. Coke Oven
10. Non-Ferrous Metals Manufacture and Corrosion
11. Distillation Plant
12. Fertilizer Manufacture
13. Firework Manufacture
14. Feed Mill
15. Fish Packing Plant
16. Flour Mill
17. Fuel Storage Tank
18. Garbage Dump
19. Gas Plant
20. Glue Manufacture
21. Incinerator
22. Insecticide Manufacture
23. Lampblack Manufacture
24. Metal Products Manufacture Where Cutting, Shearing, Hammering, Rolling, Stamping, or Grinding Operations Take Place
25. Nitrating Plant
26. Paints and Varnish Manufacture
27. Paper Mill
28. Petroleum and Petroleum Products Manufacture
29. Potash Manufacture
30. Primary Metals Plant

31. Propane Gas Manufacture or Storage
32. Pyroxylin Manufacture or Storage
33. Rayon Manufacture
34. Rock Crushing Plant
35. Sawmill
36. Salvage Yard Where Shredding and Crushing Operations Take Place
37. Slaughter House and Stock Yard
38. Soaps and Detergents Manufacture
39. Tallow Rendering Plant
40. Tannery
41. Tar and Tar Products Manufacture;

- The area of the proposed by-law will be the same as last time i.e. basically withing 100 metres of the edge of the Keith Neighbourhood. The area affected includes part of Otis, the City park at the corner of Wentworth North and Mars, Sam's Auto Wrecking, Denningers, Amcan, Wilkinson and Kompass, and the Allan Candy Company property on Wentworth Street North;
- Existing industries will be permitted under the Zoning By-Law and will be allowed to expand on site. No legal non-conforming uses will be created;
- The Official Plan will identify a special policy area for the Zoning By-law;
- The Official Plan will specifically identify each of the uses prohibited in the by-law; and,
- The Official Plan will have policies outlining conditions under which exceptions can be made to prohibited uses. Consideration will be given to exceptions where the use can be shown to be relatively compatible with the Keith Neighbourhood through:
 - i) site layout;
 - ii) physical design of buildings;
 - iii) sub-classes of use within each of the 41 uses;
 - iv) particular kinds of process; and,
 - v) any combination of the above.

Exceptions will be through Zoning By-law Amendment, which will include provisions for ensuring compatibility.

NORMANHURST NEIGHBOURHOOD - Industrial Rezoning

ANALYSIS OF INCOMPATIBLE INDUSTRY

The following 41 uses were identified in the zoning by-law as being the most incompatible with neighbourhoods during the preparation of the Keith Zoning Buffer proposal.

Evaluation P = Problematic (8) PP = Very problematic (13)
PPP = Exceptionally problematic (21)

Set Back Recommended by Ministry of the Environment in metres

Danger H = Health X = Explosion

Evaluation		Set Back	Danger
PP	1. Acid Manufacture and Storage	300	
PPP	2. Ammonia Manufacture and Storage	300	H
PPP	3. Asbestos Products Manufacture	90	H
PP	4. Asphalt and Asphalt Products Manufacture	300	
PPP	5. Carbon Manufacture	1000	
PP	6. Cement Manufacture	300	
PP	7. Chemical and Allied Products Manufacture	300	
PPP	8. Chlorine and Chlorine Bleaches Manufacture	300	H
PPP	9. Coke Oven	1000	H
PPP	10. Non-Ferrous Metals Manufacture and Corrosion	1000	H
PPP	11. Distillation Plant	1000	
PP	12. Fertilizer Manufacture	300	
PPP	13. Firework Manufacture		X
P	14. Feed Mill		
P	15. Fish Packing Plant	90	
P	16. Flour Mill		
PPP	17. Fuel Storage Tank		X
PPP	18. Garbage Dump		H
PPP	19. Gas Plant	300	X
P	20. Glue Manufacture	90	
PP	21. Incinerator	300	
P	22. Insecticide Manufacture	90	
PPP	23. Lampblack Manufacture	1000	X
P	24. Metal Products Manufacture Where Cutting, Shearing, Hammering, Rolling, Stamping, or Grinding Operations Take Place	90	
PPP	25. Nitrating Plant	300	X
PP	26. Paints and Varnish Manufacture	300	
PPP	27. Paper Mill	1000	
PPP	28. Petroleum and Petroleum Products Manufacture	1000	
PPP	29. Potash Manufacture		X
PPP	30. Primary Metals Plant	1000	

PPP	31.	Propane Gas Manufacture or Storage		X
PPP	32.	Pyroxylin Manufacture or Storage		X
PP	33.	Rayon Manufacture	300	
PP	34.	Rock Crushing Plant	1000	
PP	35.	Sawmill	300	
P	36.	Salvage Yard Where Shredding and Crushing Operations Take Place	90	
PP	37.	Slaughter House and Stock Yard	300	
PP	38.	Soaps and Detergents Manufacture	300	
PPP	39.	Tallow Rendering Plant	1000	
P	40.	Tannery	90	
PPP	41.	Tar and Tar Products Manufacture	1000	

WPD0C 3141

F O R A C T I O N

FROM: Planning and Development Department

DATE: September 21, 1987

TO: Planning and Development Committee

Refer to File No. 25T-87022

SA-87-17

Gurnett

Neighbourhood

Attention V. J. Abraham

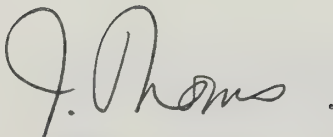
SUBJECT

Application to the Region for the approval of a draft plan of subdivision, Regional File No. 25T-87022, City of Hamilton File No. SA-87-17, to establish 59 lots for single-family dwellings and three blocks for future development.

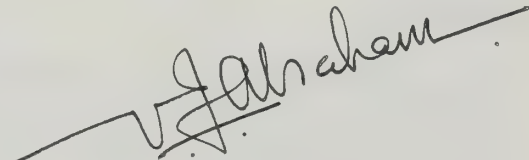
RECOMMENDATION

- a) That approval be given to Application SA-87-17, Frank Husack Ltd. & Di Cenzo Construction Co. Ltd., Owners, to establish a draft plan of subdivision north of Stone Church Road West, east of Amalfi Street, south of Greencedar Drive and west of Greenguild Avenue, subject to the following conditions:
1. That this approval apply to the plan prepared by A. J. Clarke & Associates Ltd. dated June 10, 1987 revised to show 58 lots, three blocks for development in conjunction with adjoining lands, a 100 m radius for the road at the front lot line of lots 55 and 56 and a road south of Gurnett Drive.
 2. That the road allowances be dedicated as public highways on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform with the Zoning By-law approved under The Planning Act.
 5. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot in the final plan.

8. That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
9. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
 - a) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-17) F. Husack Ltd. and Di Cenzo Construction Company Ltd., owners, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

OWNER

Frank Husack Ltd. and Di Cenzo Construction Co. Ltd., Hamilton, Ontario

SURVEYOR

A. J. Clarke & Associates Ltd., Hamilton, Ontario

LOCATION

The lands, comprising 3.411 ha, are located north of Stone Church Road West, east of Amalfi Street, south of Greencedar Drive and west of Greenguild Avenue, in the Gurnett Neighbourhood, being part of lot 55, Concession 3, Township of Ancaster, now in the City of Hamilton.

PROPOSAL

The owner proposes to subdivide the lands into 59 lots for single-family dwellings and three blocks for development with adjacent lands.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - attached housing, single and double". The proposal complies.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned for the proposed development. The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of the Environment
Ministry of Citizenship and Culture (subject to standard condition)
Niagara Escarpment Commission
Hamilton Region Conservation Authority
Ontario Hydro, Union Gas, Bell Canada
City of Hamilton Board of Education
City of Hamilton Traffic Department
City of Hamilton Building Department

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

- "1) The proposed subdivision can generally be serviced to the existing sanitary and storm sewers located at the easterly limit of the subdivision. Lots 23, 24 and 56 can be serviced directly into the existing services on Amalfi Drive.
- 2) The proposed subdivision can be serviced to existing watermain located on the abutting streets.

- 3) The Developer is to acquire from the City of Hamilton and incorporate into the plan of subdivision, the 0.3 metre reserve known as Block "I" on Plan 62M-221 which is adjacent to Amalfi Drive.
- 4) The 0.3 metre reserves known as Block "56". Plan 62M-377 and Parts 2 and 3, Plan 62R-8403 are to be incorporated into the respective road allowances in conjunction with the registration of the Final Plan of Subdivision.
- 5) The property line radius of the road allowance in front of Lots 55 and 56 be increased to a 100 m radius as shown on the attached plan.
- 6) The proposed draft plan be amended in accordance with the neighbourhood plan in the vicinity of Lot 57 and Block 62.
- 7) The applicant is to enter into subdivision agreements with both the Region of Hamilton-Wentworth and the City of Hamilton prior to any development of these lands.
- 8) The proposed draft plan dated June 2, 1987 and prepared by A. J. Clarke & Associates is satisfactory to the Departments of Engineering and Transportation Services subject to the above-noted comments and recommendations.

For your information:

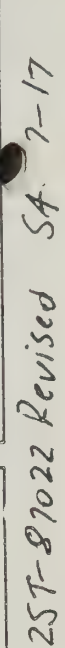
Regional share for services is estimated to be \$10,000;

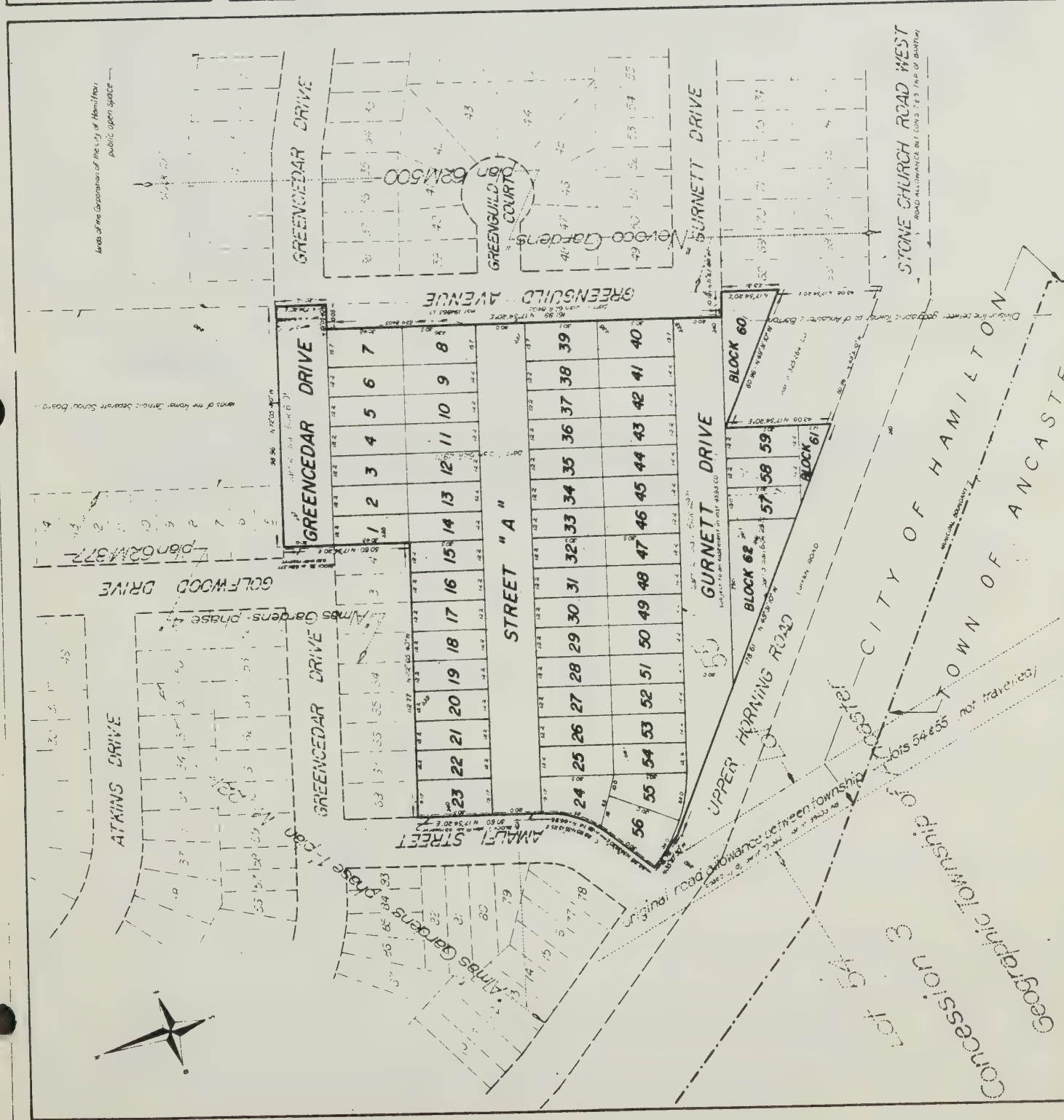
The acquisition and relocation of the streets in the vicinity of Lots 57 to 59 is required to implement the neighbourhood plan. This has been approved by City Council. A sketch of the street layout has been enclosed for your information.

A more detailed plan of the proposed streets can be obtained from the Regional Survey Section."

COMMENTS

1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.
2. As no part of the subject lands is designated for park and recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
3. The proposed plan was revised to show a radius of 100 m along the front lot line of Lots 55 and 56 and by providing a link between Upper Horning Road and Stone Church Road as shown on the approved Neighbourhood Plan.
4. The requirement of the Ministry of Citizenship and Culture can be implemented through the condition of draft approval by the Regional Municipality.





F O R A C T I O N

FROM Planning and Development Department

DATE September 15, 1987

TO Planning and Development Committee

Refer to File No. DA-87-63

RIVERDALE WEST

NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

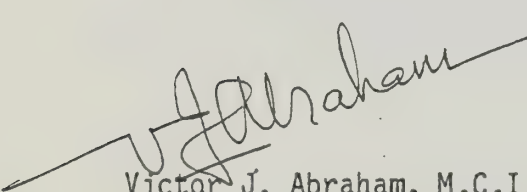
Plans have been submitted for a pylon sign at 29 Delaware Drive. The sign will display the Mac's Convenience Store logo.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-63 by Douglas L. Nash, owner of the lands at 29 Delaware Drive for a pylon sign subject to the following:

- a) the location of the proposed pylon sign does not interfere with required parking spaces or vehicular access;

and further that the owner be exempt from signing the required undertaking.

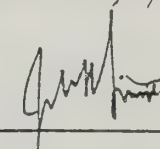

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman

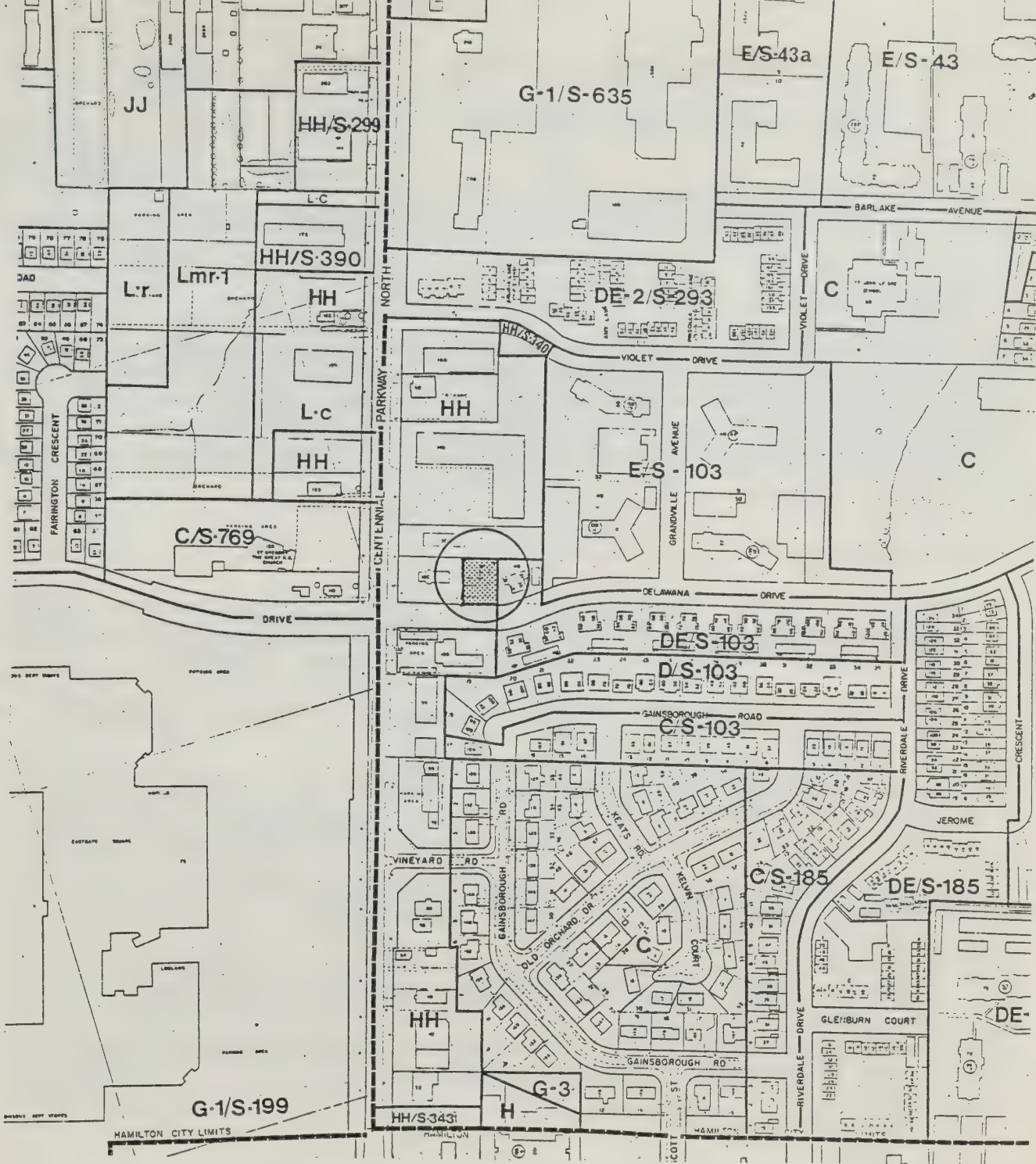
Alderman Reg Wheeler
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

Sept. 24/87

Reg Wheeler

85 KENTLEY

115 RIVERDALE WEST



PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-63

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale

1:5,000

Reference File No.

DA-87-63

Date

JUNE, 1987

Drawing No.

87-H-63

FROM Planning and Development Department

DATE September 23, 1987

TO Planning and Development Committee

Refer to File No. DA-87-59
YEOVILLE
NEIGHBOURHOOD

Attention Of V. J. Abraham

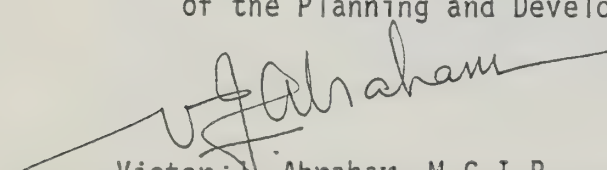
PROPOSAL

Plans have been submitted for a one-storey, brick-faced commercial structure to be relocated at 870 Upper James Street. The existing restaurant will be demolished for the new development which will have a building area of approximately 481 m² (5,177 sq.ft.). A total of 13 parking spaces and one loading space is proposed in front of the building with one access from Upper James Street.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-59, by Casflo Properties Limited, owner of lands at 870 Upper James Street for development of a one-storey commercial development subject to the following:

- a) modification to the plan related to dimensions, and notes as marked in red on the plans;
- b) dedication to the Region of Hamilton-Wentworth of a required road widening to provide sufficient lands to establish the property line 18.29 m (60 ft.) from the centreline of the original Upper James Street road allowance;
- c) modification to the plan to provide a designated garbage collection storage area within or attached to the building;
- d) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department; and,
- e) submission of a revised landscape plan to the satisfaction of the Director of the Planning and Development Department.

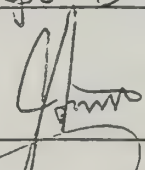
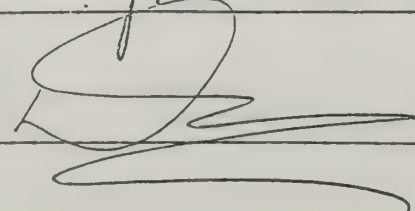

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

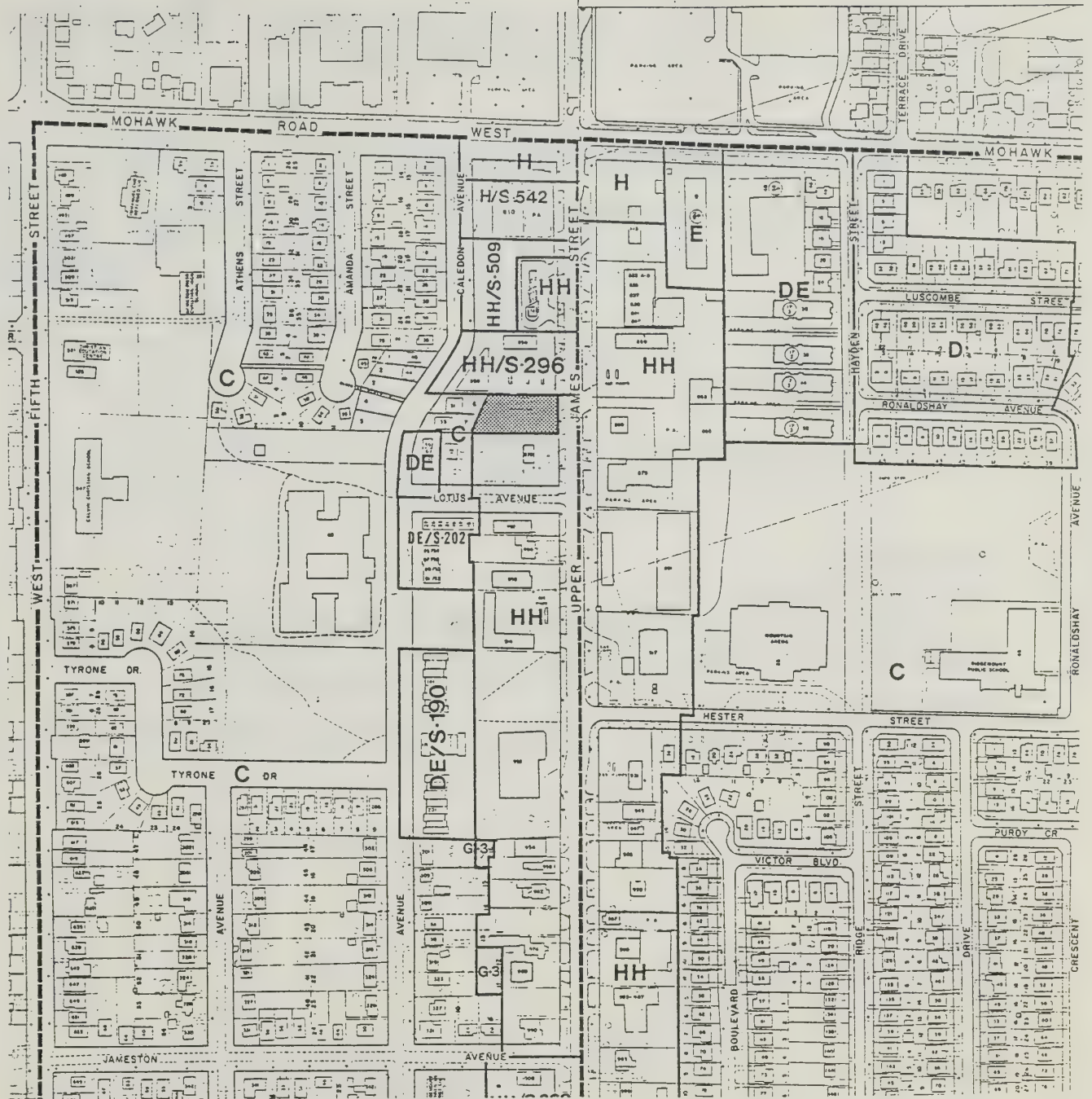
Alderman John Smith
Chairman

Alderman Don Ross
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

Sept 29/87



137 YEOWILLE



56 GREENINGDON

PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-59

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
JUNE, 1987

Reference File No.
DA-87-59

Drawing No.
87-H-59

F O R A C T I O N

FROM Planning and Development Department

DATE September 28, 1987

TO Planning and Development Committee

Refer to File No. DA-87-81
HANNON NORTH
NEIGHBOURHOOD

Attention Of V. J. Abraham

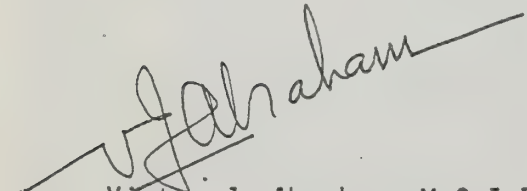
PROPOSAL

Plans have been submitted for the expansion of the existing industrial building on Lots 18, 19, 24 and 25 Bigwin Road.

RECOMMENDATION

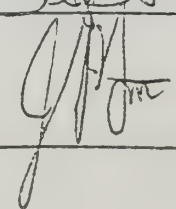
That approval be given to Site Plan Control Application DA-87-81 by Cue Properties Ltd., owner of Lots 18, 19, 24 and 25 Bigwin Road for industrial expansion to the existing buildings subject to the following:

- a) modification to the plans related to dimensions, notes, landscaping, visual barrier and access as marked in red on the plans.

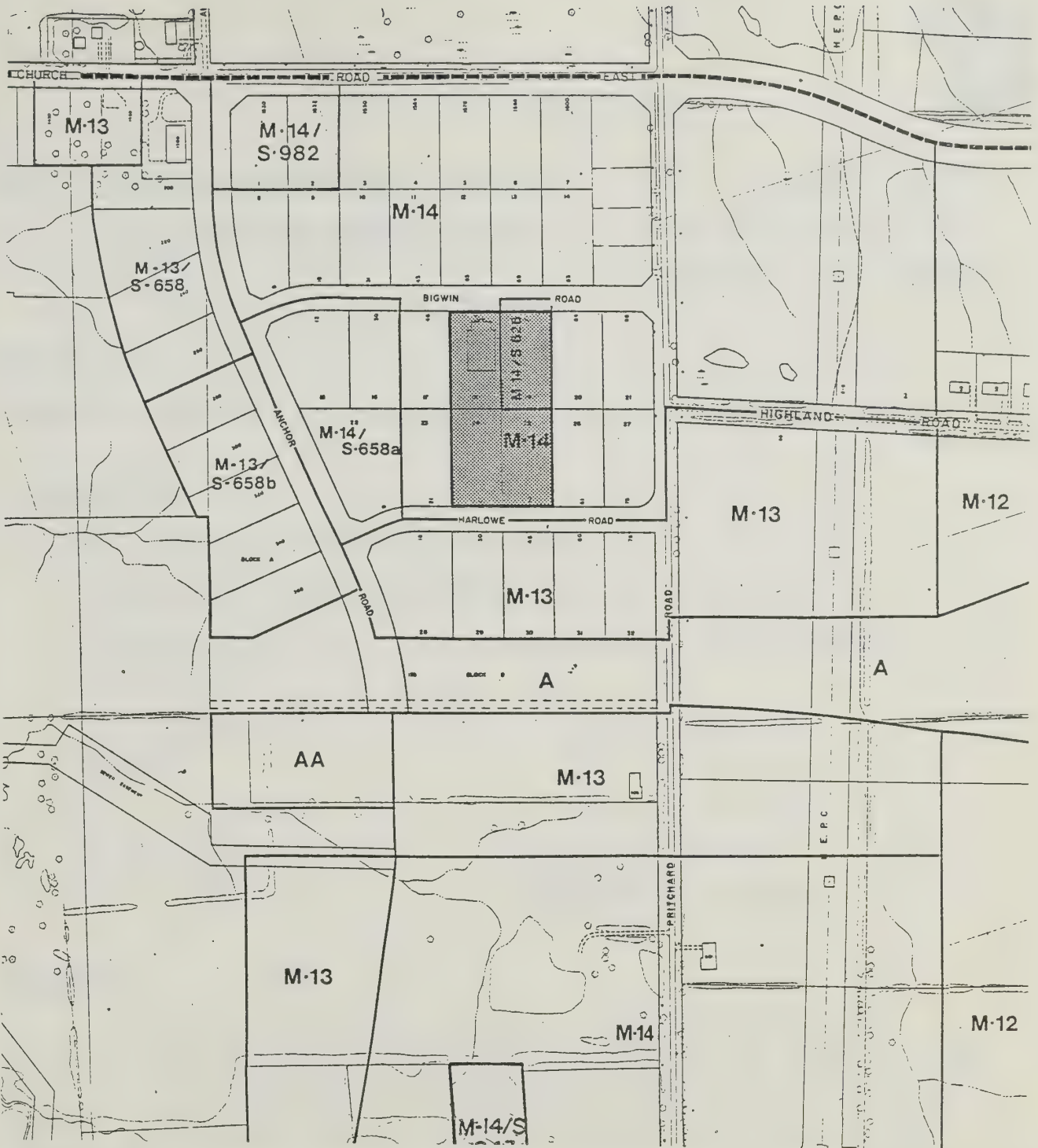

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman and Ward Alderman


Sept. 30 / 87

VJA/JPS/jd
W.P.DOC.0390P



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL APPLICATION DA-87-81

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
AUG. 1987

Reference File No.
DA-87-81

Drawing No.
87-H-

FOR INFORMATION

FROM Planning and Development Department

DATE August 26, 1987

TO Planning and Development Committee

Refer to File No. P5-5-3-2

Attention of V.J. Abraham

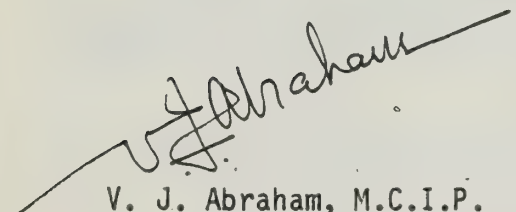
SUBJECT

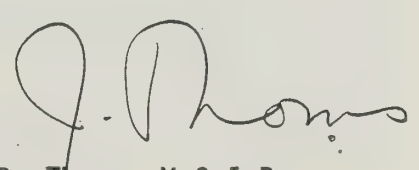
Inventory of Municipal and Regional Industrial Lands in Hamilton.

RECOMMENDATION

That the Planning and Development Committee:

- i) receive this report for information; and,
- ii) forward this report to the Business Land Use Advisory Board for their information.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

On July 23, 1987 a report on the Inventory of Municipal and Regional Industrial Lands in Hamilton was presented to the Executive Committee. The Committee received the report and suggested that a revised report providing information and statistics on the City's and Region's Industrial lands in Hamilton be forwarded to the Planning and Development Committee for their information.

EXECUTIVE SUMMARY

The analysis comparing the sales of industrial lands to the inventory in the City's and Region's Industrial Parks in the City of Hamilton has revealed that:

- the majority of sales have been in "heavier" industrial zoning districts;
- the existing zoning categories appear to adequately permit industrial and business-related uses;
- sales have been high in the Kenora Industrial Park, possibly due to its superior highway access and exposure;
- almost half (45%) of recent land sales (by land area) have been for non-industrial land uses. Only 8.1% of sales have been for manufacturing uses;
- there are 136.55 acres of Industrial lands remaining in the City's and Region's Industrial Parks within Hamilton. Based on the absorption of land over the past two to five year period, this is a nine to twenty year supply;
- The majority of available municipally owned industrial lands in Hamilton are in the East Mountain Industrial Park; and,
- the City's Municipal industrial land banking program compares favorably with other municipal programs.

REPORT

a) Introduction

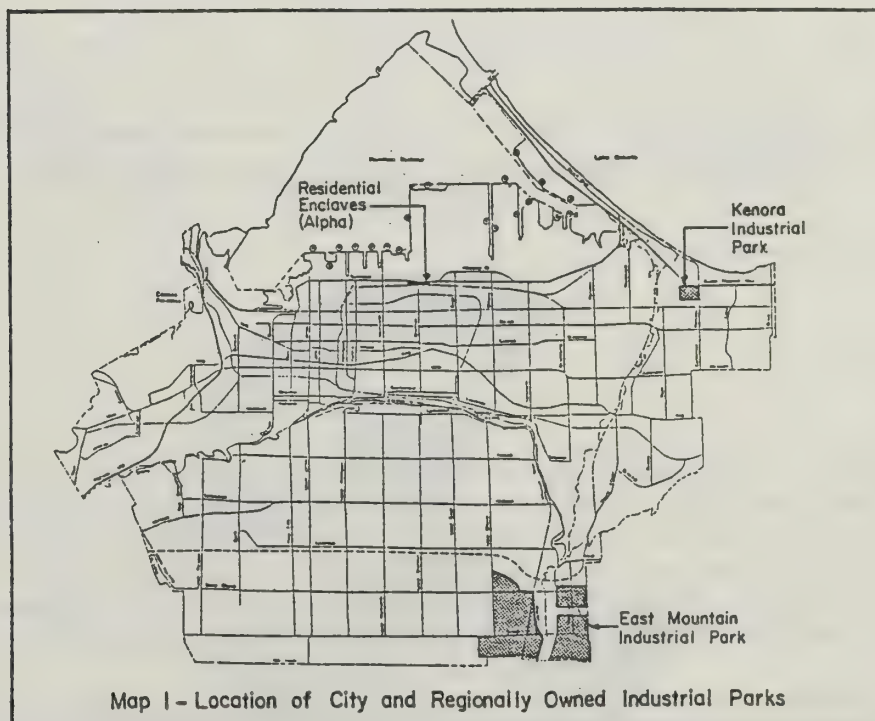
The purpose of this report is to examine the characteristics of the municipal industrial lands recently sold and to compare them with the characteristics of the lands available in the remaining municipal inventory.

The report also examines current municipal land use controls (Official Plan policies and zoning by-laws) and municipal property sales to determine if they are effective in providing the quantity, quality and type of industrial development desired by the City.

b) Municipal Industrial Lands

There are three areas where the Region and City are selling industrial land in Hamilton: The East Mountain and Kenora Industrial Parks and the "Residential Enclaves" (Map 1). In 1985 and 1986, 26 parcels of land comprising 31.97 acres* were sold in these Industrial Areas, for a total sale price of approximately \$2,402,000.00.

Map 1



* Includes lands sold but which have not yet closed.

c) Zoning

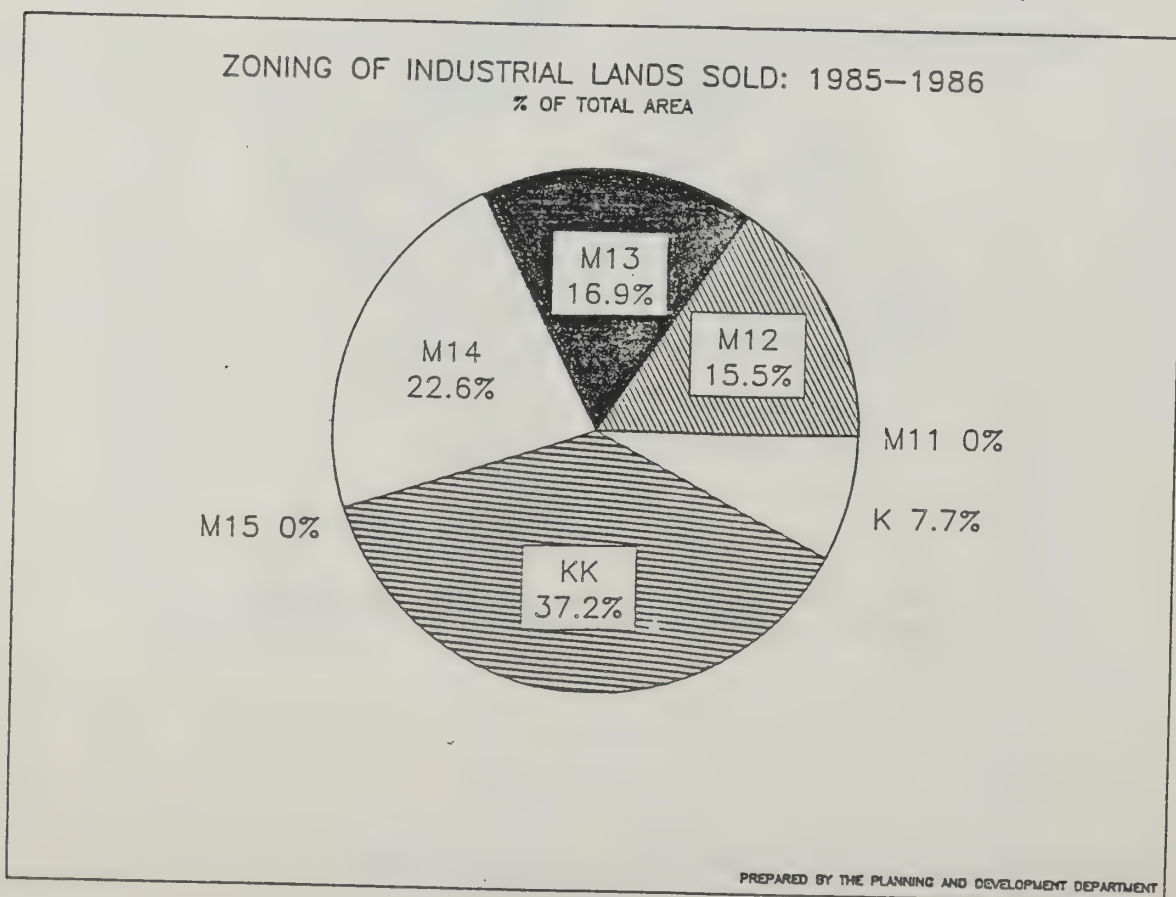
The lands recently sold in the City's and Region's Industrial Areas are affected by a number of industrial zones. The Industrial zoning district beginning with an "M" are "Prestige Industrial" districts. Generally, the "M11" is the most restrictive in terms of permitted uses allowed. The districts become progressively less restrictive as their "M" number increases.

In addition to permitting industrial uses, the "M" Districts also permit a number of business-related uses such as warehousing, offices, financial uses, etc. The "KK" and "K" Districts are "Restricted Heavy Industrial" and "Heavy Industry" Districts that allow much more intensive industrial uses than the "M" Districts.

As Figure 1 shows, the majority of lands sold have been in the less restrictive "M14" and "KK" Districts. The chart seems to indicate that there is a demand for heavily-zoned industrial lands. However, there are a number of reasons why this is not necessarily the case.

Firstly, all of the lands zoned "KK" (Restricted Heavy Industrial) are located in the Kenora Industrial Park which has a superior location (adjacent to the Q.E.W.) in comparison to the East Mountain Park. The Kenora Park offers a highly accessible and visible location.

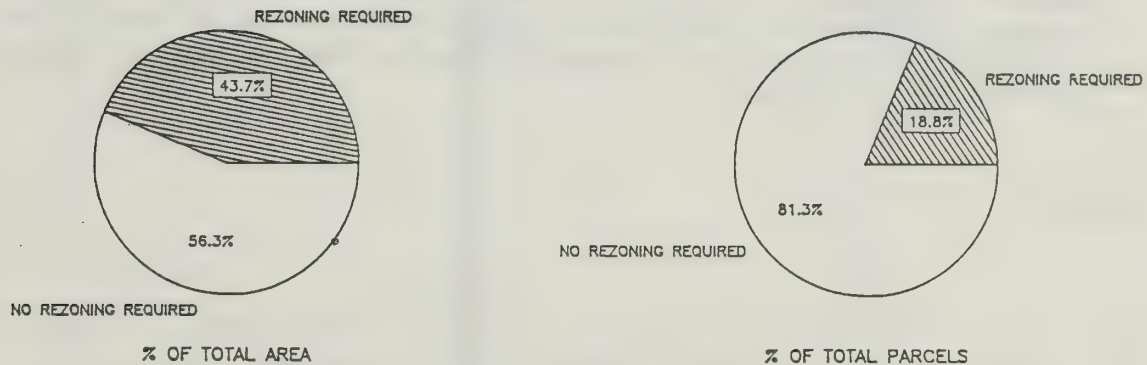
Figure 1



Secondly, most of the recent sales in the Kenora Industrial Park have not been for "heavy" industrial-type land uses. Instead, they have been for warehousing, the sales and services of industrial equipment, and a hotel/retail complex. These "light" industrial and commercial uses did not require the Restricted Heavy Industrial "KK" zoning.

Figure 2

PROPERTIES REQUIRING REZONING —
INDUSTRIAL PROPERTIES SOLD IN HAMILTON: 1985-1986



NOTE: Prepared by Planning and Development Department.

Rezoning was required on 44% of the 32 acres of municipal industrial lands sold in 1985 and 1986 (figure 2 - left pie chart). However, two land extensive parcels, representing 11.85 acres required rezonings to permit a detention centre and a hotel-retail complex. If the municipal industrial land sales are examined in terms of the total number parcels sold, only 19% of the 26 parcels sold required rezonings (figure 2 - right pie chart).

The majority of the lands that required rezoning were to permit non-industrial or business related land uses or to permit lands uses that could have been accommodated on nearby appropriately zoned municipally owned lands.

In general, the existing zoning on the City's and Region's industrial lands appears to meet the needs of industrial and business-related uses. The re-zonings were only necessary to permit non-industrial business-related uses and uses that would have been allowed without rezoning on other nearby municipally owned lands.

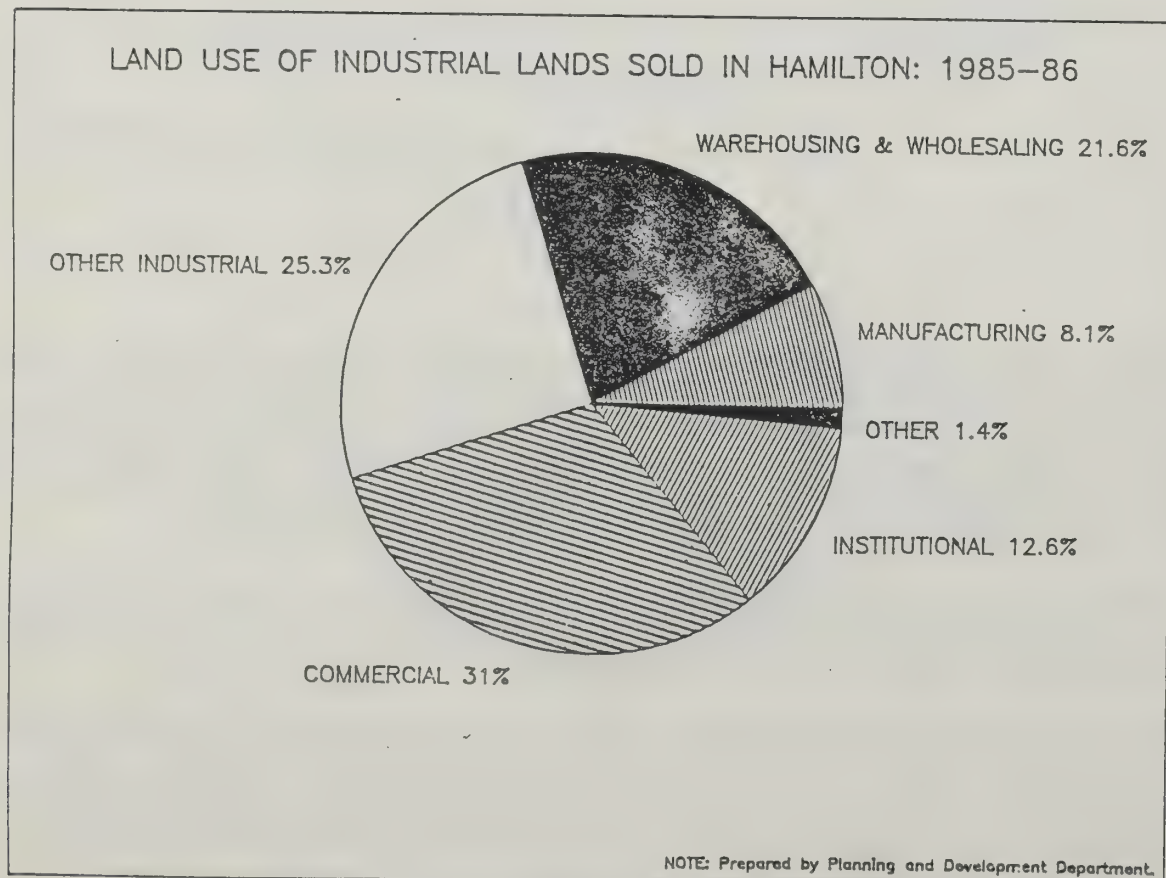
d) Land Use

A review of the eventual land use of municipally owned industrial properties recently sold, as shown in Figure 3 and Table "A" in the Appendix reveals that:

- traditional manufacturing accounted for only 8.1% of total land area sales;
- warehousing and wholesaling uses (including retail/wholesaling concerns) composed 21.6% of total area sales;
- "other industrial uses" such as autobody repair shops) made up 25.3% of the area of land sold; and,
- non-industrial uses (commercial, institutional and other uses) account for the majority (45%) of land area sales.

However, although non-industrial uses composed the largest category, as previously indicated, the sale of two large parcels of land for a hotel/retail complex and a detention centre made up the majority of non-industrial sales.

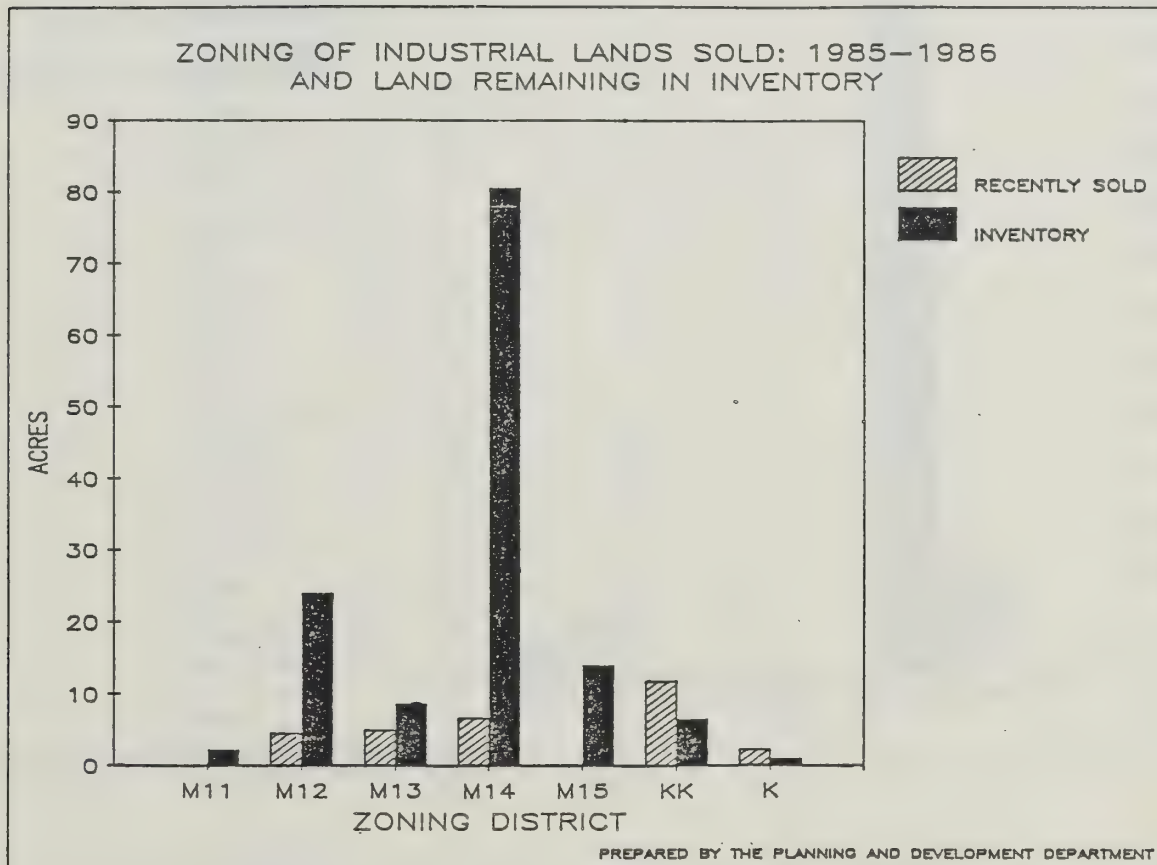
Figure 3



e) Remaining Lands in Inventory

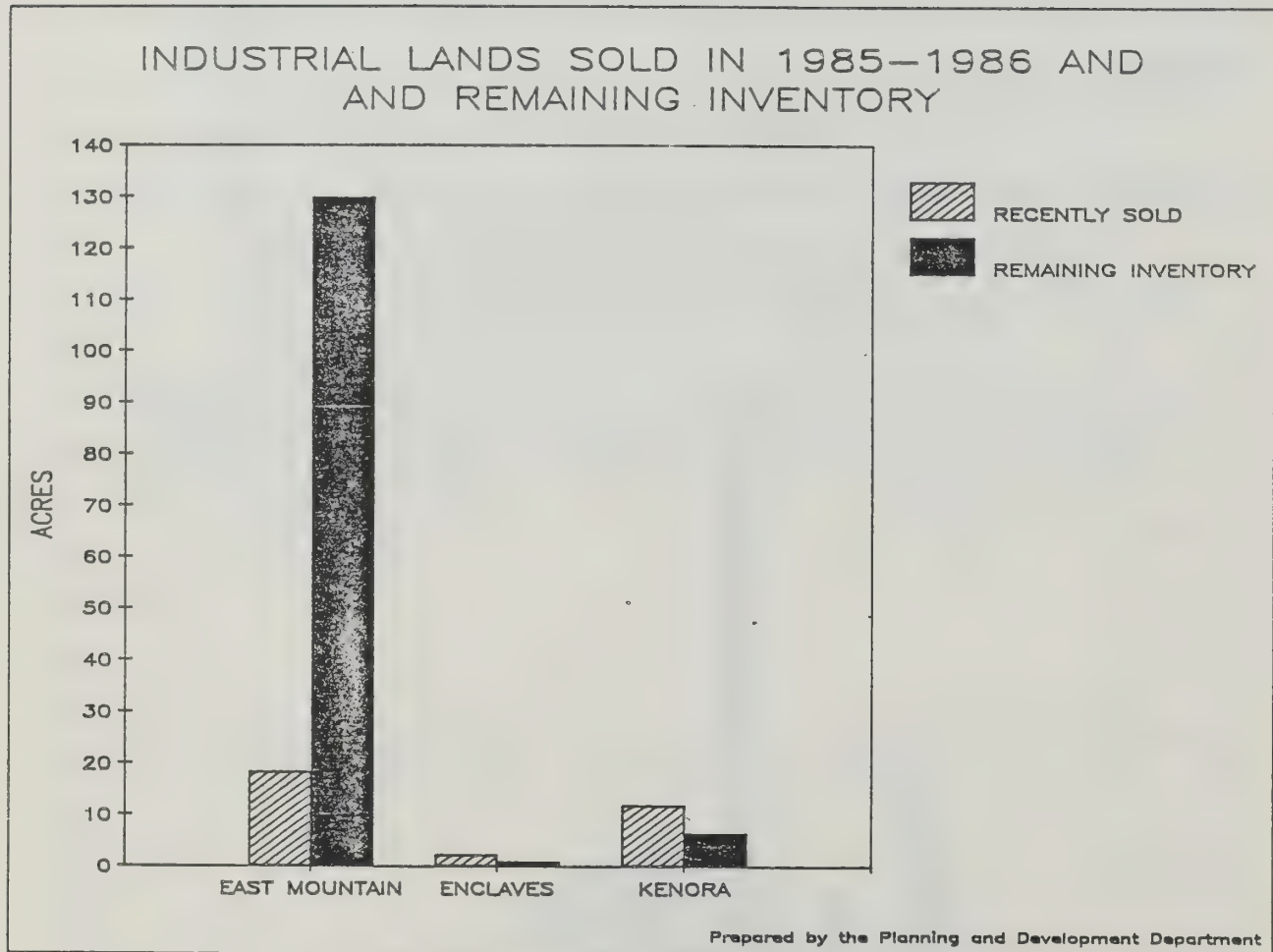
There is a total of 136.55 acres of vacant land remaining for sale in the City's and Region's Industrial Parks in Hamilton. The majority of the lands (101 acres) are in the medium to heavy industrial zoning districts (Figure 4). These zoning districts permit a variety of industrial and business-related uses.

Figure 4



By the end of 1986 (see Figure 5) there were few remaining vacant lands in the Kenora Industrial Park. Since the end of 1986 the remaining lands have been sold. There is also a limited supply of vacant Enclave lands, although the process of acquiring more land is on-going. There is, however, an ample supply of land in the East Mountain Industrial Park.

Figure 5



Sales of industrial lands over the last five years (1982-1986) have averaged 7 acres a year. However, 90% of the lands sold over this time period occurred in 1985 and 1986. Sales over the last two years (1985-1986) have averaged 15 acres per year. If these rates of absorption continue, a nine to twenty year supply of lands is available.

Table 1 compares Hamilton's Industrial land bank with other southern Ontario Municipalities. The table shows that many municipalities do not own industrial lands. In general, the supply of municipally owned industrial lands in Hamilton compares favorably with other municipalities.

Table 1

MUNICIPALITIES WITH MUNICIPALLY OWNED INDUSTRIAL LANDS

MUNICIPALITY	MUNICIPALLY OWNED INDUSTRIAL LANDS ?	AMOUNT OF LAND UNDEVELOPED (ACRES)	ABSORPTION RATES (PER YEAR - 1985-86)	NUMBER OF YEARS SUPPLY AT CURRENT ABSORPTION
HAMILTON WENTWORTH*	YES	114	6.95	16.4
HAMILTON**	YES	137.6	16.4	8.4
ANCASTER	NO			
DUNDAS	NO			
FLAMBOROUGH	NO			
GLANBROOK	NO			
STONEY CREEK	NO			
YORK REGION	NO			
AURORA	YES	9	25.6	0.4
MARKHAM	NO			
NEWMARKET	YES	0	150	0.0
RICHMOND HILL	NO			
VAUGHN	NO			
DURHAM REGION	NO			
AJAX	NO			
NEWCASTLE	YES	13	0	N.A.
OSEAWA	YES			
PICKERING	NO			
WHITBY	YES	6	N.A.	N.A.
WATERLOO REGION	NO			
CAMBRIDGE	YES	250	22.1	11.3
KITCHENER	YES	172	40.2	4.3
WATERLOO	YES	55	37.3	1.5
NIAGARA REGION	NO			
FORT ERIE	YES	N.A.	N.A.	N.A.
LINCOLN	NO			
NIAGARA FALLS	YES	108	10.7	10.1
NIAGARA-ON-THE-LAKE	YES	21	N.A.	N.A.
PORT COLBORNE	YES	80	0	N.A.
ST. CATHARINES	YES	13.5	9	1.5
WELLAND	YES	33	1.75	18.9
WEST LINCOLN	YES	54	0	
BRANTFORD	YES	200	26	7.7
HALDIMOND-NORFOLK	YES	158	4.4	35.9
HALTON REGION	NO			
BURLINGTON	NO			
HALTON HILLS	NO			
MILTON	NO			
OAKVILLE	NO			
PEEL REGION	NO			
BRAMPTON	NO			
CALEDON	NO			
MISSISSAUGA	NO			
METRO TORONTO	NO			
EAST YORK	NO			
ETOBICOKE	NO			
NORTH YORK	NO			
SCARBOROUGH	NO			
TORONTO	NO			
YORK	NO			

*NOTE: Ancaster and Glanbrook parks only.

**NOTE: Includes Regionally owned lands in Hamilton.

CONCLUSION

This report should be received by the Planning and Development Committee for their information and forwarded to the Business Land Use Advisory Board for their information.

D.O./mnd
W.P. DOC. 0205P

APPENDIX

LAND USE OF INDUSTRIAL LANDS RECENTLY SOLD IN CITY AND REGIONAL INDUSTRIAL PARKS IN HAMILTON

PROPOSED LAND USE	EAST MOUNTAIN IND. PARK			KENORA INDUSTRIAL PARK			RESIDENTIAL ENCLAVES			TOTAL		
	# OF SALES	# OF ACRES	% TOTAL AREA SOLD	# OF SALES	# OF ACRES	% TOTAL AREA SOLD	# OF SALES	# OF ACRES	% TOTAL AREA SOLD	# OF SALES	# OF ACRES	% TOTAL AREA SOLD
MANUFACTURING USES												
Manufacturing and sales of trophies	1	0.57	1.8%							1	0.57	1.8%
Manufacturing and warehousing	1	2.02	6.4%							1	2.02	6.4%
SUBTOTAL	2	2.59	8.2%	0	0.00	0.0%	0	0.00	0.0%	2	2.59	8.2%
WAREHOUSING AND WHOLESALING												
Warehousing and retailing	1	1.10	3.5%							1	1.10	3.5%
Wholesaling	1	0.64	2.0%							1	0.64	2.0%
Mini warehousing	2	2.34	7.4%							2	2.34	7.4%
Warehousing				2	1.83	5.8%				2	1.83	5.8%
Wholesaling and retailing	1	1.03	3.2%							1	1.03	3.2%
SUBTOTAL	5	5.10	16.1%	2	1.83	5.8%	0	0.00	0.0%	7	6.92	21.9%
OTHER INDUSTRIAL												
Autobody repair	2	2.08	6.6%				1	0.76	2.4%	3	2.84	9.0%
Sales and service of industrial equipment										2	1.78	5.6%
Automobile and truck restoration				1	1.37	4.3%	1	0.55	1.7%	2	1.92	6.1%
Construction company				1	1.02	3.2%	1	0.56	1.8%	2	1.58	5.0%
SUBTOTAL	2	2.08	6.6%	4	4.17	13.2%	3	1.87	5.9%	9	8.12	25.7%
COMMERCIAL												
Office	1	0.98	3.1%							1	0.98	3.1%
Banquet Centre	1	1.51	4.8%							1	1.51	4.8%
Club	1	1.05	3.3%							1	1.05	3.3%
Motel/Motel				1	5.23	16.6%				1	5.23	16.6%
Retail Plaza	1	1.16	3.7%							1	1.16	3.7%
SUBTOTAL	4	4.70	14.9%	1	5.23	16.6%	0	0.00	0.0%	5	9.93	31.4%
INSTITUTIONAL												
Detention Centre	1	4.05	12.8%							1	4.05	12.8%
SUBTOTAL	1	4.05	12.8%	0	0	0.0%	0	0	0.0%	1	4.05	12.8%
OTHER												
Land bought for speculation							1	0.46	0.0%	1	0.46	1.5%
SUBTOTAL							1	0.46	0.0%	1	0.46	1.5%
TOTAL	14	18.51	58.5%	7	11.23	35.5%	4	2.33	7.4%	24	31.61	100.0%



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1987 October 8

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NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE
Wednesday, 1987 October 14th
2:00 o'clock p.m.
Room 233, City Hall

Susan K. Reeder
Susan K. Reeder
Acting Secretary

SKR:jf

AGENDA

1. Minutes of the meetings held Wednesday, 1987 September 16th, Tuesday, 1987 September 29th
2. Petition from Area Residents re: Delta Tabernacle Church at King Street East and Rosslyn Avenue South
3. Mayor Robert M. Morrow
 - (a) Canadian Urban and Housing Studies Conference - 1988 February 18-20, Winnipeg.
4. Building Commissioner
 - (a) Demolition Permit Applications
5. Director of Community Development
 - (a) Ontario Home Renewal Programme (O.H.R.P.) and Hamilton Rehabilitation Programme (H.A.R.P.)
 - (b) Ontario Home Renewal Programme (O.H.R.P.) (Private and Confidential) (For information)

6. Director of Property

- (a) Purchase by the City - 213 Brant Street - Allan Howard Copeland.
- (b) Purchase by the City - 397/399 Sherman Avenue North - Genevieve Barbara Zaraski
- (c) Purchase by the City - 14 Gerrard Street - Albert Wilson and Marion Wilson
- (d) Purchase by the City - 386 Birch Avenue - Carrier Canada Limited
- (e) Purchase by the City - 13 Gerrard Street - Stella Miksza

7. Department of Engineering

- (a) "Templemead No. 2 Survey - Phase 4", Hamilton (Cash Payment in lieu of 5% Parkland Dedication)
- (b) "Loconder Gardens" Hamilton (Cash Payment in lieu of 5% Parkland dedication)
- (c) "Vignatico Village - Phase 1", Hamilton (Cash Payment in lieu of 5% Parkland Dedication)
- (d) Gilkson Woods Addition - Phase 2 - Grading

8. City Solicitor

- (a) City vs Sam Henson Apartments Ltd., Dr. R. G. Stopps, et. al. - 252, 262, 268 James Street South - The Building Code Act

9. Fire Chief

- (a) Provision of access roads and water supplies for fire protection in areas containing new home construction sites.

10. Chief Administrative Officer

- (a) Construction of homes on Guildwood Drive (For information)

PUBLIC MEETING

3:00 o'clock p.m.

11. Zoning Application ZA-86-15, A. Kumar, owner, for a change in zoning from "AA" to "HH" for property municipally known as No. 1094 Upper Sherman Avenue; Thorner Neighbourhood.
Public Meeting - 3:00 p.m.
12. Zoning Application ZA-86-93, S. G. Dighe, owner, for a change in zoning from "A" to "H" modified, for property on the west side of Ewen Road in the area south of Main Street West; Ainsley Wood West Neighbourhood.
Public Meeting - 3:00 p.m.
13. Zoning Application ZA-87-75, Lousan Development Limited, owner, for a change in zoning from "D" modified to "RT-20" for lands on the east side of Upper Wentworth Street between Stone Church Road East and Rymal Road East; Rushdale Neighbourhood.
Public Meeting - 3:00 p.m.
14. Zoning Application ZA-87-98, Ardor Investments Ltd., owner, for a modification to the "G" District regulations for property municipally known as No. 1300 Garth Street; Gilkson Neighbourhood.
Public Meeting - 3:15 p.m.
15. Zoning Application ZA-87-99, 496091 Ontario Inc. (P. Tigani and G. H. Silcox) owners, for a modification to the "M-14" District regulations for property at No. 1198 Stone Church Road East; Rymal Neighbourhood.
Public Meeting - 3:15 p.m.
16. Zoning Application ZA-84-79, Ferrell Builders Supply Ltd., Adorn Investments Ltd., M. Henderson, M. and D. Garon and W. Kohlberger, owners, for changes in zoning from "AA" and "E-2" to "R-2" and "H" for lands in the area north of Queenston Road and west of Grays Road; Riverdale East Neighbourhood. (Report to follow)
Public Meeting - 3:30 p.m.
17. Zoning Application ZA-87-81, W. D. Mattina and M. J. Ferracuti, owners, for a change in zoning from "AA" to "C" for property at No. 165 Rymal Road West; Kennedy East Neighbourhood.
Public Meeting - 3:30 p.m.
18. Normanhurst Neighbourhood - Rezoning of Industrial Lands (P5-2-105).
Public Meeting - 4:00 p.m.
19. Subdivision Application SA-87-17, F. Husack and DiCenzo Construction Co. Ltd., owners, for lands in the area north of Stone Church Road West and east of Almalfi Street; Gurnett Neighbourhood.
20. Site Plan Control Applications approved (For information).
21. Inventory of Municipal and Regional Industrial Lands in Hamilton (P5-5-3-2).

Wednesday, 1987 September 16
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Alderman T. Cooke
Alderman H. Merling
Alderman B. Hinkley
Alderman W. McCulloch

Regrets: Mayor Robert M. Morrow - Civic Business
Alderman D. Christopherson - Civic Business
Alderman S. Collins

Also present: Alderman J. Gallagher
Alderman T. Murray
Alderman G. Copps
Alderman M. Kiss
Mr. V. Abraham, Director of Local Planning
Mr. B. Allick, Building Department
Ms. N. Chapple, Planning Department
Mr. P. Kuppe, Building Commissioner
Mr. L. King, Building Department
Mr. P. Lampman, Building Department
Mrs. J. McDermot, Planning Department
Mr. E. Kowalski, Director of Community Development
Mr. K. Brenner, Regional Engineering Department
Mr. L. Sage, Chief Administrative Officer
Mr. D. Vyce, Director of Property
Mr. J. Zipay, Planning Department
Ms. Monica German, Building Department
Mr. J. Schwarz, Regional Planning Department
Mr. B. Ferguson, Traffic Department
Mrs. S. K. Reeder, Acting Secretary

The Committee was in receipt of the minutes of their last meeting held Wednesday, 1987 August 12 and approved these minutes.

Minutes - 1987
August 12th

Alderman Cooke submitted a memo to the Committee dated 1987 September 16 regarding the conversion of single family dwellings to student housing in West Hamilton.

Student Housing
in West
Hamilton

The Committee then agreed to appoint a Task Force to develop an action plan on this matter.

The Task Force will be comprised of the following:

- The Ward Aldermen on the Planning & Development Committee
- A representative of the City Solicitor's Department
- A representative of the Building Department
- A University staff member and/or Student Union Representative
- Two to Three Area Residents
- One Planning Department representative

The Committee appointed Alderman T. Cooke to serve as the Chairman of this Task Force.

Planning and Development Committee

Wednesday, 1987 September 16

The Committee agreed that the Task Force would be empowered to hold public meetings as necessary to receive input from the community on this matter and that they would report back to the Planning and Development Committee within 60 days with recommendations.

The Committee was in receipt of a report from the Building Commissioner dated 1987 September 3 respecting demolition permit applications. The Committee approved the following:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following residential buildings:

- a) 551 John Street North
- b) 312 Bold Street
- c) 538 Barnaby Street
- d) 429 Kenilworth Avenue North

The Committee was in receipt of a report from the Building Commissioner dated 1987 September 3 respecting the prioritization of workload.

A further report on this matter dated 1987 September 16 was distributed to the Committee at the meeting.

Mr. P. Kuppe, Building Commissioner and Mr. L. King of the Building Department reported on this matter.

General discussion ensued on the impact that the denial of Council to appoint additional staff in the Building Department will have on workload priorities.

Mr. Kuppe indicated that he will be requesting additional staff in his 1988 budget package request.

Considerable discussion ensued on this matter and it was moved by Alderman Hinkley, seconded by Alderman Merling and carried:

That the information reports submitted to the Planning and Development Committee be forwarded to Council for their information.

The Committee was in receipt of a report from the Department of Engineering dated 1987 July 7 respecting the connection of roof leaders to storm sewers.

Alderman Merling addressed the Committee on the problems that are being encountered by roof leaders not being connected to sewers and the flooding that it causes.

It was then moved by Alderman Merling, seconded by Alderman Hinkley and carried to approve the following recommendation:

That the City Solicitor be authorized and directed to draft a By-law for Council's approval for the purpose of requiring all roof leaders to be connected to storm sewers.

Demolition
Permit
Applications

Building
Department
-Prioritization
of Workload

Connection of
Roof Leaders
to Storm
Sewers

Planning and Development Committee

Wednesday, 1987 September 16

The Committee was in receipt of a report from L.A.C.A.C. dated 1987 September 11 respecting West Avenue School. Ms. Nina Chapple of the Planning Department presented a report on the merits of preserving this building from demolition.

West Avenue
School

Mr. Pereira, 235 West Avenue North, addressed the Committee on his views that the building should be preserved.

Mr. Howard Mark, representing L.A.C.A.C., also addressed the Committee on the merits of preserving this building.

Alderman Hinkley expressed great concern that this matter has been dealt with sometime ago and that at that time every opportunity was given for input. He added it was most inappropriate for this matter to be delayed at this point in the process.

It was then moved by Alderman Hinkley, seconded by Alderman Merling and carried to approve the following recommendation:

That the Director of Property hold off on the demolition of West Avenue School, located at West Avenue and Barton Street East; for a 90 day period.

NOTE: This 90 day delay period will allow for a recircularization of the area residents with respect to their views on the use of the building and property. It will also give L.A.C.A.C. the opportunity to investigate alternative uses for this original 1885 school building.

At this point the Committee moved into a public meeting format for the purpose of hearing zoning applications.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 26 respecting Zoning Application 87-56, for lands at No. 1512 and part of No. 1504 Upper Gage Avenue.

ZA87-56 -
1512 and Part
of 1504 Upper
Gage Avenue

Report of the circularization was as follows:

48 notices sent 3 in favour 3 opposed

Mr. Dennis Sheppard of 224 Columbia Drive addressed the Committee. He expressed concern at this application since he feels that there are too many shopping areas in the vicinity already. A letter and petition dated 1987 September 8 and received September 14 was submitted to the Committee.

Alderman Gallagher addressed the Committee and indicated that he would prefer to see a smaller development on these lands and that Upper Gage should not have to endure the amount of increased traffic that this application would result in.

Mr. Bruce Rankin, Architect spoke on behalf of the owners, Mr. Rami Goldman and Mr. Leo Erez. Mr. Rankin advised that the owners of the property have already been obligated to pay for the street planting strips, etc. at an extra cost to them.

Mr. Goldman addressed the Committee and expressed his concerns that they have already purchased this property with the anticipation of building a mall on it and that they are already having to assume additional costs, i.e., street planting strips, etc. that they did not anticipate.

Planning and Development Committee

Wednesday, 1987 September 16

Following further discussion on this matter, it was moved by Alderman Merling, seconded by Alderman McCulloch and carried:

That this matter be tabled in order that discussion can ensue between all parties on this matter.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 26 respecting Zoning Application 87-63, for lands located at 1088 Main Street West.

Report of the circularization was as follows:

194 notices sent 12 in favour 25 opposed

Mr. Mac Cline, 34 Cline Avenue South, addressed the Committee in opposition to the application. A letter was received from him on 1987 August 24. Mr. Cline indicated that he is opposed to the application from Perry's Restaurant to expand and referred to the fact that there is very little parking available at the site.

Mr. Browning, 175 Arkell Street, addressed the Committee in opposition to this application. He indicated that there are bad odors coming from the Restaurant and that cars have banged into his fence which has resulted in a cost to him. He added that he has had vandalism done to his property from the clients of the Roadhouse and that it is extremely noisy at closing time as well as having inadequate parking.

A petition was received in objection to this application on 1987 September 11.

Mr. Martin, the owner of property at 1070 and 1080 Main Street West advises that he has 30 parking spots paid by the tenants in their rental fee. He indicated that these parking spots are being used by Perry's Restaurant clients or the bank clients and that as a result he is losing good tenants.

Dr. Marshall, 1100 Main Street West, spoke to the Committee. A letter from him was received by the Planning Department on 1987 July 30. Dr. Marshall indicated that parking spots at his establishment are being used by Perry's Restaurant or the Royal Bank.

Dr. Lee, 155 Arkell Street indicated that he is opposed to the expansion of Perry's Restaurant and indicated that Perry's is not a family style restaurant.

A letter of objection was also received from Reverend G. Meek on behalf of the New Covenant Fellowship Church at 1080 Main Street West.

At this point in the meeting, Mr. Marcetti, Solicitor for Mr. Perry, owner of Perry's Restaurant, addressed the Committee. He introduced several people who spoke in favour of the expansion application as follows:

Mr. Dwight Ryan, 23 Cline Avenue spoke in favour of the expansion of Perry's Restaurant. He indicated that he represents himself and other residents in the area in favour of this expansion. Mr. Ryan added that the Restaurant is close to his home and it is appealing to him as it is in within walking distance. He added that he disputes the allegations of rowdiness at Perry's and indicated that Perry's adds to the Westdale atmosphere.

ZA87-63 -
1088 Main Street
West
- Perry's
Restaurant

Planning and Development Committee

Wednesday, 1987 September 16

Mr. Bob Clue, former L.C.B.O. Inspector, 133 Parkwood Crescent addressed the Committee in support of Perry's application for expansion. He added that Perry's has never had an infraction with their liquor licence and that he has never seen any problem with parking. Mr. Clue added that Perry's Restaurant ratio is 40% food, 60% liquor and that this percentage is higher on food than liquor compared to other establishments.

The Committee was in receipt of a letter of support from Mr. Larry Bromberg, at 1084 Main Street West. Mr. Bromberg indicated in his letter that he fully supports expansion of Perry's Restaurant and authorizes the use of his parking spaces for a minimum of twenty years beginning 1987 October 1.

The Committee was in receipt of a letter from Mr. J. J. Shekter, owner of property at 1100 Main Street West supporting the expansion of Perry's and allowing parking privileges from 5:00 o'clock p.m. at his property at 1100 Main Street West for a period of twelve months.

The Committee was also in receipt of a letter from Bob Brown's English Auto's Limited dated 1987 September 16 supporting the application for Perry's Restaurant expansion and confirming that all parking spaces at Brown's Sunoco Station at 1050 Main Street West will be available to Perry's Restaurant.

Mr. Marcetti advised that 61 parking spots will be provided by the surrounding areas.

Mr. Marcetti, Solicitor for the owner of Perry's Restaurant spoke on Mr. Perry's plan for live music. He indicated that 80% of the business of the restaurant is done after 5:00 o'clock p.m. and that 80% of the business is walk-in clientele.

The owner of the property at 86 Arkell Street addressed the Committee in support of Perry's Restaurant. He indicated that it is an excellent establishment and that he sees their need for expansion. He added that he does not see a deterioration to the neighbourhood with this proposed expansion.

The owner of 185 Arkell Street addressed the Committee and indicated that she is opposed to the expansion of Perry's Restaurant and that one of her neighbours has vigorously complained several times of Perry's Restaurant. She added that accidents have been caused by congestion due to lack of parking at Perry's.

Mr. Mac Cline reputed that there are 61 parking spaces available and at that point a count of those parking spaces available was described.

Dr. Marshall spoke to the Committee again and indicated that he is concerned that the Committee is looking at the evening parking situation rather than the day time parking.

At this point in the meeting, the Committee discussed this application. It was then moved by Alderman McCulloch, seconded by Alderman Merling to APPROVE this application as follows:

A. That APPROVAL be given to Zoning Application ZA-87-63, 543003 Ontario Limited, owner, for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593 applicable to the subject lands be modified in accordance with Section 38 of the Planning Act R.S.O. 1983, to permit musical entertainment with non-amplified or electronic instruments within the restaurant for a period not to exceed six months from the date of passage of this By-law;
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1041, and that the subject lands on Zoning District Map W-33 be notated S-1041;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-33;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West as shown on the attached map marked as APPENDIX "A"

The effect of the By-law is to permit musical entertainment with non-amplified or electronic instruments within the restaurant for a period not to exceed six months from the date of passage of this By-law in accordance with Section 38 of the Planning Act R.S.O. 1983 which otherwise would not be permitted in a "G" (Neighbourhood Shopping Centre, etc.) District.

B. That APPROVAL be given to Zoning Application ZA-87-63, 543003 Ontario Limited, owner, for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West, as shown on the attached map marked as APPENDIX "A", on the following basis:

Planning and Development Committee

Wednesday, 1987 September 16

- (a) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as special requirement:
- i) That the provisions of Section 18A TABLE 1.4 (f) of By-law No. 6593, shall not apply to a restaurant;
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1041, and that the subject lands on Zoning District Map W-33 be notated S-1041;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-33;
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- (b) That the amending By-law not be forwarded for final passage by City Council until the applicant provides proof to the satisfaction of the City that 16 off-side parking spaces can be provided by way of a lease for a period of at least 10 years or more.

NOTE: The purpose of the By-law is to provide for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District regulations applicable to property located at No. 1088 Main Street West as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to exempt the restaurant from providing on-site parking would be required on the basis of one parking space for every six persons lawfully accommodated.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 26 respecting Zoning Application 87-64, for land located at 126 Queenston Road.

ZA-87-64 - 126
Queenston Road

The Committee was in receipt of a letter of submission dated 1987 September 8 from Mrs. Charlotte Craig, 1001 Central Avenue.

Mrs. Craig advised that she is opposed to the application and that she feels the name of the Hotel should not have been changed from the Derby.

It was then moved by Alderman McCulloch, seconded by Alderman Cooke and carried to APPROVE Zoning Application 87-64 as follows:

- A. That APPROVAL be given to Zoning Application 87-64, Parkdale Hotel (Hamilton) Ltd., owner, request a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations for property located at No. 126 Queenston Road, as shown on the attached map marked as APPENDIX "B" on the following basis:

Planning and Development Committee

Wednesday, 1987 September 16

- i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variances as special requirements:
 1. Notwithstanding Section 18(11)(b) 1. and 2. of By-law No. 6593, an outdoor patio shall be permitted in the westerly side yard;
 2. Notwithstanding section 18A(1)(f) and 18A(7) of By-law No. 6593, the Minimum Required Maneuvering space and minimum length of the eight parking spaces directly adjoining the outdoor patio shall have a minimum length of 5.0m.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1042, and that the subject lands on Zoning District Map E-75 be notated S-1042;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-75; and,
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to permit an outdoor patio used in conjunction with the established hotel/tavern located at No. 126 Queenston Road to be located in the westerly side yard whereas the Zoning By-law prohibits such use where any lot line adjoins a residential district or is separated from a residential district by a lane or alley.

In addition, the By-law provides for a variance to Section 18A The Parking and Loading Requirements of Zoning By-law 6593 to reduce the minimum length of eight parking spaces directly adjoining the outdoor patio and the minimum required maneuvering spaces from the required 6.0 m to 5.0 m.

- B. That By-law No. 79-275 establishing Site Plan Control be AMENDED by adding the subject lands to Schedule "A".

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 25 respecting Zoning Application 87-72, for lands at 1275 Rymal Road East.

Report of the circularization was as follows:

41 notices sent 13 in favour 0 opposed

ZA87-72 -
1275 Rymal
Road East

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The Committee then approved the following recommendation:

That APPROVAL be given to Zoning Application 87-72, Fortinos Supermarkets Limited, owner for a modification to the "M-12" (Prestige Industrial) District, permit the development of the subject lands for a bakery and a 232.25 m² (2,500 sq.ft.) accessory restaurant, for the property located at No. 1275 Rymal Road East, as shown on the attached map marked as APPENDIX "C", on the following basis:

- (a) That the "M-12" (Prestige Industrial) District regulations as contained in Section 17D applicable to the subject lands be modified to include the following variances:

- i) That notwithstanding Section 17D(1)(b) and (c) the following additional uses shall be permitted.

<u>Identification No.</u>	<u>Industrial Use</u>
1072	Bread and other bakery products
	<u>Commercial Uses</u>
9212	Restaurants, unlicensed
9211	Restaurants, licensed
9213	Take out services

- ii) That the restaurant and take out service shall be accessory to the bakery and shall not exceed 232.25 m² of combined floor area.

- (b) That the amending By-law be added to Section 19B of Zoning By-law NO. 6593 as Schedule S-1038, and that the subject lands on Zoning District Maps E-59E be notated S-1038;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-59D and E-59E;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a modification to the "M-12" (Prestige Industrial) District for the property located at No. 1275 Rymal Road East, as shown on the attached map marked as APPENDIX "C".

The effect of the By-law is to permit the development of the subject lands for a bakery and a 232.25 m² (2,500 sq. ft.) accessory restaurant.

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The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 24 respecting Zoning Application ZA-87-74 for property located at Nos. 122-124 Young Street.

Report of the circularization was as follows:

1 040 notices sent 31 in favour 3 opposed

The Committee approved the following recommendation:

- A. That APPROVAL be given to Official Plan Amendment No. 50 to create a special policy area to permit professional offices within the existing building and the City Solicitor be directed to prepare a by-law to amend the Official Plan for submission to the Regional Municipality of Hamilton-Wentworth (see attached).
- B. That APPROVAL be given to Zoning Application ZA-87-74, Walter Jazvac, owner, requesting a modification to the existing "E-3" (High Density Multiple Dwellings) District regulations to permit the conversion of a single family dwelling to professional offices for properties located at Nos. 122-124 Young Street, as shown on the attached map marked as APPENDIX "D" on the following basis:
 - i) That the "E-3" (High Multiple Dwellings) District regulations as contained in Section 11C of Zoning By-law No. 6593 applicable to the subject lands, be modified to include the following variance as a special requirement:
 1. That notwithstanding Section 11C(1) of By-law No. 6593, the following additional use shall be permitted within the existing building:
 - A.) Permitted Use
Professional Offices
 - B.) Accessory Use
One ground sign, wall sign, or projecting sign of an area not more than 0.4 m² (4.31 sq. ft.) non-illuminated or illuminated by non-flashing, indirect, or interior means only, located at least 1.5m (4.92 ft.) from the nearest street line in connection with any commercial use permitted in the district.
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1040, and that the subject lands on Zoning District Map E-5 be notated S-1040.
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5.
 - iv) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of the Official Plan Amendment No. 50;

ZA87-74 -
122-124 Young
Street

- v) That the Durand Neighbourhood Plan be changed by redesignating the subject lands from "High Density Apartments" to a "Commercial and Apartments" designation.

NOTE: The purpose of the By-law is to provide for a modification to the established "E-3" (High Density Multiple Dwellings, etc) District regulations applicable to properties located at Nos. 122-124 Young Street, as shown on the attached map, marked as APPENDIX "D".

The effect of the By-law is to permit the following additional uses within the existing building located on the site:

a) Permitted Use

Professional Offices

b) Accessory Use

One ground sign, wall sign, or projecting sign of an area not more than 0.4 m² (4.31 sq. ft.) non-illuminated or illuminated by non-flashing, indirect, or interior means only, located at least 1.5 m (492 ft.) from the nearest street line in connection with any commercial use permitted in the district.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 25 respecting Subdivision application SA-87-11, for a draft plan of subdivision at the south-east corner of Stonechurch Road East and Upper Wellington Street, as well as Zoning Application 87-51, for lands located south of Stonechurch Road and the area east of Upper Wellington Street.

Mr. Peter Edmonson, 138 Stonechurch Road East, addressed the Committee in opposition to this development. He indicated that he feels there is too much commercial development in the area already. Mr. Edmonson submitted a presentation and a petition to the Committee with respect to the area residents' concerns about this application.

Mrs. Dickson, 111 Stonechurch Road East addressed the Committee in opposition to this development. She indicated that she is opposed to any development of the land and feels that good farm land is too quickly disappearing.

A letter from her dated 1987 September 15 was received by the Committee.

The Committee then discussed this application and heard from the applicant with respect to his plans for this area.

It was then moved by Alderman Merling, seconded by Alderman McCulloch and carried to table this matter until the next meeting of the Planning and Development Committee.

Subdivision
Application -
SA87-11 and Zoning
Application 87-51
- South east
corner of
Stonechurch Road
East and Upper
Wellington

Planning and Development Committee

Wednesday, 1987 September 16

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 9 respecting Zoning Application ZA-87-62, for property located on the north side of Bigwin Road, east of Anchor Road.

Report of the circularization was as follows:

18 notices sent 3 in favour 0 opposed

The Committee then approved the following recommendation:

That APPROVAL be given to Zoning Application ZA-87-62, Peter Mercanti, prospective owner, requesting a modification to the "M-14" (Prestige Industrial) District regulations to permit the construction of a building for a catering business and banquet hall for the properties located on the north side of Bigwin Road, east of Anchor Road, as shown on the attached map marked as APPENDIX "E", on the following basis:

- (a) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-law No. 6593, applicable to the subject property be modified to include the following special requirement:
 - i) That notwithstanding the provisions of Section 17F(1)(b) of By-law No. 6593 the following commercial use shall be permitted:

<u>Identification No.</u>	<u>Commercial Use</u>
9214	Caterers

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1039, and that the subject lands on Zoning District Map 69C be noted S-1039;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map 69C; and
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purposed of this By-law is to provide for a modification to the "M-14" (Prestige Industrial) District regulations for the properties located on the north side of Bigwin Road, east of Anchor Road, as shown on the attached map marked as APPENDIX "E".

The effect of this By-law is to permit the construction of a building for a catering business and banquet hall.

The Committee was in receipt of Site Plan Control Applications that had been approved by the Chairman of the Planning and Development Committee and the Aldermen of the Ward for the following areas:

ZA87-62 -
North Side of
Bigwin Road,
east of Anchor
Road

Site Plan Control
Application

Planning and Development Committee

Wednesday, 1987 September 16

- (a) Lands on the north side of Loconder Drive, east of Upper Gage Avenue
- (b) Lands on the east side of Upper Gage Avenue, north of Loconder Drive
- (c) Property at 1550 Stonechurch Road East
- (d) Property at 49 Robinson Street

The Committee agreed to receive this report.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 14 respecting Subdivision Application 87-10, to establish a draft plan of condominium at the northeast intersection of Upper Gage Avenue and Loconder Drive.

Alderman Ross declared a conflict of interest in this matter.

The Committee then approved the following recommendation:

That APPROVAL be given to Application SA-87-10, 568434 Ontario Inc., owner, to establish a Draft Plan of Condominium located at the north-east intersection of Upper Gage Avenue and Loconder Drive, subject to the following condition:

- (a) That this approval apply to the plan prepared by MacKay, MacKay & Peters Limited, Ontario Land Surveyors, dated May 14, 1987 revised to show a widening on Upper Gage Avenue which would establish a property line 18.29 metres from the centre line and a daylight triangle of 12.19 metres by 12.19 metres from the widened limits of Upper Gage Avenue and Loconder Drive.
- (b) That the widening and the daylight triangle be dedicated as a public highway on the final plan.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 1 respecting Subdivision Application 87-12 for property on the north side of Wheeler Place, east of Hess Street, south of Bold Street and west of Caroline Street.

The Committee than approved the following recommendation:

That APPROVAL be given to Application SA-87-12 "Carrington Towers", Two-Way Construction Ltd., owner, to establish a draft plan of condominium located on the north side of Wheeler Place, east of Hess Street, south of Bold Street and west of Caroline Street, subject to the following condition:

- (a) "That this approval apply to the plan prepared by A. J. Clarke and Associates, O.L.S., dated April 9, 1987."

Subdivision
Application
87-10 - North east
intersection of
Upper Gage Avenue
and Loconder Drive

Subdivision
Application 87-12
- north side of
Wheeler Place,
east of Hess
Street, south of
Bold Street and
west of Caroline
Street

Planning and Development Committee

Wednesday, 1987 September 16

Hamilton Development
Incentives
Programme

The Committee was in receipt of a report from the Planning and Development Department dated 1987 July 23 respecting the Hamilton Development Incentives Programme.

The Committee then approved the following recommendation:

- (a) That a Development Incentive Sub-Committee be established to oversee the development of vacant or underutilized civic lands on an experimental basis.
- (b) That the Sub-Committee be comprised of members from
 - (i) The Building Department
 - (ii) The Community Development Department
 - (iii) The Property Department
 - (iv) The Planning and Development Department
- (c) That the Sub-Committee's mandate be formalized by the Sub-Committee and endorsed by the Planning and Development Committee
- (d) That the development of proposed sites be undertaken by tendering the sites for sale to private developers, subject to conditions established by the Sub-Committee and endorsed by the Planning and Development Committee.
- (e) That the two preferred sites identified in this report be forwarded to the Sub-Committee for their consideration in the selection of a site for the project.
- (f) That the Development Incentives Sub-Committee initiate the programme by selecting a site for a pilot project and forwarding the site location to the Planning and Development Committee for endorsement.
- (g) That the Development Incentives Sub-Committee report on the progress of the Programme to the Planning and Development Committee and Council from time to time.
- (h) That the Development Incentives Sub-Committee evaluate the Programme after the completion of a pilot project and report on the Programme's effectiveness to the Planning and Development Committee and Council.

Note: A number of underutilized City-owned properties exist throughout Hamilton. The development of these lands would provide a number of benefits to the City and the community as a whole.

A Development Incentives Sub-Committee consisting of staff members of various City departments should be established to oversee the development of appropriate civic owned sites.

Ethnic Commercial
Villages

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 4 respecting Ethnic Commercial Villages.

The Committee agreed to table this matter to a future meeting and Alderman Hinkley advised that he will present a report from himself to the Committee.

Planning and Development Committee

Wednesday, 1987 September 16

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 21 respecting a revised proposal to amend the Hamilton-Wentworth Official Plan to relocate a proposed district shopping centre in the Town of Ancaster.

The Committee then approved the following recommendation:

That the City Clerk inform the Regional Municipality of Hamilton-Wentworth that the City of Hamilton does not object to the proposed amendment to the Hamilton-Wentworth Official Plan to relocate a proposed shopping centre in the Town of Ancaster.

NOTE: The proposed amendment to the Hamilton-Wentworth Official Plan would permit the relocation of a proposed district shopping centre from a site at Mohawk Road and Highway 403 to a site approximately 800 metres to the east.

This application to amend the Hamilton-Wentworth Official Plan originally appeared before the Planning and Development Committee on May 27, 1987 and was subsequently referred back to Committee by City Council at its meeting of June 23, 1987.

Since this time, the applicants have amended their application to only include the relocation of the district level shopping centre and not include the redesignation of other lands from industrial to residential.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 8 respecting the High Density Residential Development Study, Phase II.

It was agreed that this matter would be tabled to the next meeting of the Committee.

Under other business, Alderman Merling addressed the Committee on Subdivision Application 86-26 and Zoning Application 86-97 respecting lands on the east side of Upper Sherman Avenue in the area north of Stonechurch Road East.

Alderman Merling indicated to the Committee that Blocks 2 and 3 of this development had been tabled for the purpose of having discussion for the possible development of single family homes, rather than townhousing on these lands.

Alderman Merling indicated to the Committee that the developer has agreed to develop this land for single family homes. He indicated that the developer is having difficulty in obtaining the required amounts of lands from abutting property owners to meet the requirements for roads.

It was then agreed that

The Director of Property be authorized to assist McNally Brothers (1965) Limited with their negotiations with the abutting property owners to purchase the required amount of land for the development of Blocks 2 and 3 of their lands on the east side of Upper Sherman Avenue in the area north of Stonechurch Road East.

Revised Proposal -
to amend the
Hamilton-Wentworth
Official Plan
to Relocate a
Proposed Shopping
Centre in the Town
of Ancaster

High Density
Residential
Development Study,
Phase II

Subdivision
Application 86-26
and Zoning
Application 86-97
- Lands on the
East Side of
Upper Sherman
Avenue in the
Area north of
Stonechurch Road
East

Planning and Development Committee

Wednesday, 1987 September 16

Ontario Home
Renewal Programme
(O.H.R.P.) and
Hamilton
Rehabilitation
Programme
(H.A.R.P.)

The Committee was in receipt of a report from the Director of Community Development dated 1987 September 1 respecting the Ontario Home Renewal Programme (O.H.R.P.) and Hamilton Rehabilitation Programme (H.A.R.P.).

The Committee then approved the following recommendation:

- (a) That the following Ontario Home Renewal Programme (O.H.R.P.) applications, and Hamilton Rehabilitation Programme (H.A.R.P.) applications, attached herewith and marked as APPENDIX "H" and APPENDIX "I" respectively be approved.
- (b) That the Director of Community Development be authorized to process grants/loans in an amount not to exceed \$7 500. per application.

NOTE: The actual amount of grant or loan will be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O., 1980) under The Housing Development Act for the Ontario Home Renewal Programme (O.H.R.P.) and pursuant to By-law 78-113 for the Hamilton Rehabilitation Programme (H.A.R.P.).

Second Level
Lodgin Home
Rehabilitation
Programme

The Committee was in receipt of reports from the Director of Community Development dated 1987 September 9 respecting applications under the Second Level Lodging Home Rehabilitation Programme.

The Committee then approved the following recommendation:

That the following loan increases for Second Level Lodging Homes under the Second Level Lodging Home Rehabilitation Programme be approved:

<u>Owners</u>	<u>Second Level Lodging Home</u>	<u>Loan Increase</u>
(a) Michael and John Job	849 Main Street East	\$4 967.
NOTE: The total loan will now be for \$27 680.		
(b) John Job	169 Delaware Avenue	\$5 775.
NOTE: The total loan will now be for \$18 831.		

Commercial
Facade Loan
Programme

The Committee was in receipt of recommendations from the Director of Community Development respecting applications under the Commercial Facade Loan Programme.

The Committee then approved the following recommendation:

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That the following Commercial Facade Loan Programme applications be approved.

	<u>Owner</u>	<u>Property</u>	<u>Loan Amount</u>
(a)	Panzex Montreal Incorporated	1 and 3 King St. E. 2 James St. N.	\$40 000.
(b)	Mr. A. DiSiena	253 James St. N.	\$15 000.

NOTE: The interest rate will be 4.5% amortized over 10 years.

The Committee was in receipt of a report from the Director of Community Development dated 1987 September 10 respecting the Provincial Government's Low Rise Programme.

Provincial
Government's
Low Rise
Programme

The Committee approved the following recommendation:

- (a) That the Department of Community Development be authorized and directed to apply to the Ministry of Housing for a further unit allocation of 300 under the Provincial Government's Low-Rise Programme for the balance of the Provincial fiscal year ending March 31, 1988.
- (b) That the Department of Community Development be directed to apply to the Ministry of Housing for the following allocations for 1988 - 1990:

April 1, 1988 to March 31, 1989 - 500 units
April 1, 1989 to March 31, 1990 - 500 units

The Committee was in receipt of a report from the Director of Community Development dated 1987 August 31 respecting Project PRIDE (Programme for Renewal, and Improvement, Development and Economic Revitalization) Crown Point West/Stipeley Neighbourhood.

Project PRIDE
(Programme for
Renewal, and
Improvement
Development
and Economic
Revitalization)
Crown Point
West/Stipeley
Neighbourhood

The Committee approved the following recommendation, which will be referred to the Executive Committee for deliberation:

- (a) That, the Planning and Development Committee recommend to the Executive Committee that the Crown Point West/Stipeley PRIDE Programme be proceeded with at an estimated gross cost of \$800 000 (Eight Hundred Thousand Dollars) as referenced in the 1987 portion of the 1987-1991 Capital Budget as Project No. E38005.

NOTE: Originally the City of Hamilton applied for one and one-half million dollars for the Crown Point West/Stipeley PRIDE Programme.

Since it has only been allocated \$400 000, a total of \$800 000 is available for implementation (50% municipal dollars, 50% Provincial funding).

Planning and Development Committee

Wednesday, 1987 September 16

- (b) That, the Treasurer be requested to recommend to the Executive Committee, the amount and source of funds to be provided for this Capital Project, the municipality's share being \$400 000.
- (c) That the interim funding for the cost of drawings, public meetings, administration, preparation of community improvement plan, surveys, separation of tenders, specifications and fees for Crown Point West/Stipeley (PRIDE) in the amount of \$50 000 be approved, pending Ontario Municipal Board approval as referenced in (b) above.
- (d) That the Treasurer recommend to the Executive Committee, the method of funding for the \$50 000 referenced in (c) above.
- (e) That City Council advise the Minister of Municipal Affairs of its intention to utilize the Provincial allocation of \$400 000 for Phase I of the Crown Point West/Stipeley PRIDE.
- (f) That City Council authorize the Department of Community Development to proceed with the project in two phases.

NOTE: The first phase would address mostly residential concerns possibly including Priority One Park, buffering to railway lines and other manufacturing land uses from residential areas, and the second phase would implement improvements to the industrial and commercial areas.

- (g) That the Department of Community Development be authorized to reapply for Provincial funding under the PRIDE Programme for Phase II of the Crown Point West/Stipeley Project for 1988-89 at an estimated cost of \$1 000 000 000.

The Committee was in receipt of a report from the Director of Community Development dated 1987 September 11 respecting the 1988-1992 Capital Budget.

The Committee then approved the following recommendation:

That the attached Capital Budget projects of the Department of Community Development, included in the Capital Budget Programme, 1988-1992, be approved.

The projects listed in this report include the following:

- (a) Municipal Non-Profit (Hamilton) Housing Corp. - Land Banking for Non-Profit Housing.
- (b) Waterfront Redevelopment
- (c) Beasley PRIDE Programme
- (d) PRIDE (Programme for Renewal, Improvement, Development and Economic Revitalization) - Crown Point West/Stipeley
- (e) Industrial Waste Clean Up - Former Lax Property
- (f) Crown Point West/Stipeley; PRIDE Programme

Department of
Community
Development -
1988-1992
Capital Budget

Planning and Development Committee

Wednesday, 1987 September 16

This recommendation will be forwarded to the Executive Committee for deliberation.

The Committee was in receipt of a report from the Director of Community Development dated 1987 September 2 respecting the Signage Grant Programme. Mr. Kowalski advised the Committee that he wished to have this item deleted from the agenda.

Signage Grant
Programme
- Deleted

The Committee was in receipt of a private and confidential information report from the Director of Community Development dated 1987 September 1 respecting the Ontario Home Renewal Programme. The Committee agreed to receive this report.

Ontario Home
Renewal
Programme

The Committee was in receipt of a report from the Director of Property dated 1987 August 21 respecting the extension of closing date - City sale to Jim Pattison Industries Limited, operating as Hamilton City News - Parts 10 and 11, Plan 62R-6188, 26-36 Keefer Court.

Extension of
Closing Date -
City Sale to
Jim Pattison
Industries Ltd. -
26-36 Keefer
Court

The Committee then approved the following recommendation:

- (a) That the closing of the transaction dated April 6, 1987 between Jim Pattison Industries Ltd. operating as Mountain City News and the City of Hamilton be extended to November 25, 1987.
- (b) That time continue to remain of the essence in the agreement and all other terms and conditions of the agreement are to remain the same.

The Committee was in receipt of a report from the Director of Property dated 1987 September 2 respecting settlement expropriation - 760 Burlington Street East, Sarmor Properties Limited.

Settlement
Expropriation -
760 Burlington
Street East,
Sarmor Properties
Limited

The Committee approved the following recommendation:

That an Agreement by Owner to Accept Compensation executed by Sarmor Properties Limited on August 26, 1987 and scheduled for closing on November 3, 1987 in the total amount of \$15 190. plus 6% interest on the outstanding compensation for market value of the property at 760 Burlington Street East from June 22, 1983 to the date of the closing be approved and completed. Acquisition costs are to be charged to Account 0280-35 (Reserve for Alpha Enclave) in which sufficient funds are available to finalize this transaction.

NOTE: The subject property measures 22 feet (6.70 metres) along the southerly limit of Burlington Street East by a depth of 80 feet (24.38 metres) more particularly described as part of Lot 10, Plan 550, together with buildings erected thereon bearing municipal number 760 Burlington Street East.

Planning and Development Committee

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Sale - Lot 18,
Plan M227,
Hamilton
Industrial
Park No. 1 -
Nebo Road to
Fin-Par
Enterprises

The Committee was in receipt of a report from the Director of Property dated 1987 September 8 respecting the sale - Lot 18, Plan M227-Hamilton Industrial Park No. 1 - Nebo Road to Fin-Par Enterprises.

The Committee then approved the following recommendation:

That an Offer to Purchase the lands of the Corporation of the City of Hamilton, Lot 18, Plan M-227, Hamilton Industrial Park No. 1 located on Nebo Road, duly executed on September 3, 1987 by the Purchaser, Fin-Par Enterprises Inc., and scheduled for closing on December 2nd, 1987 be approved and completed.

NOTE: The purchase price is \$100 730. A deposit cheque in the amount of \$10 073. is being held by the Treasurer pending Council approval.

The property is composed of a parcel of land located on the western limit of Nebo Road, having a frontage of 200.21 feet by a depth of 433.31 feet/441.89 feet and containing an area of 2.0146 acres.

This Offer to Purchase is conditional upon the following conditions being met:

- (a) The Purchaser obtaining a tenant or tenants for the proposed building.
- (b) The Purchaser's, at their own expense, obtaining soil tests to determine the load bearing capabilities of the subject lands for the construction of the Purchaser's proposed building.
- (c) The Purchasers have until November 16th, 1987 to satisfy themselves to conditions 1 and 2. In the event the above conditions cannot be resolved by this date, the Vendor agrees to grant a further extension of 30 days if required and requested in writing by the Purchasers.
- (d) If the extension of 30 days is granted by the Vendor, then the closing date will also be extended by 30 days, provided that time remains of the essence and all terms and conditions remain in full force and effect subject to clause no. 7.

It is understood and agreed that the Vendor upon completion of this transaction will pay a 5% Real Estate Commission on the following basis to Lounsbury Realty Limited, 171 James Street South, Hamilton, Ontario L8P 3A3, whose agent, Mr. Gary Stapleton, acted in this matter.

1st	\$100 000.	of Purchase Price	-	5%
2nd	\$100 000.	of Purchase Price	-	4%

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, and marked APPENDIX "J".

Planning and Development Committee

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The Committee was in receipt of a report from the Director of Property dated 1987 September 8 respecting the Purchase by the City - 403 Sherman Avenue North - Donald Arnott.

Purchase by the
City - 403
Sherman Avenue
North - Donald
Arnott

The Committee approved the following recommendation:

That an Option to Purchase the property at 403 Sherman Avenue North duly executed by Donald Arnott on September 2, 1987 and scheduled to closed on or before November 24, 1987 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 20.08 feet (6.12 metres) by a depth of 90 feet (27.43 metres) comprising an approximate area of 1,807.2 square feet (167.88m²) with structures erected thereon. The purchase price of \$40 500. in accordance with APPENDIX "K" herewith attached is to be charged to Account 0408-W75266, pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1987 September 8 respecting a purchase by the City - No. 3 Gerrard Street - Willi Richard Parow and Hedwig Maria Parow.

Purchase by the
City - 3 Gerrard
Street - Willi
Richard Parow
and Hedwig Maria
Parow

The Committee approved the following recommendation:

That an Option to Purchase the property at 3 Gerrard Street duly executed by Willi Richard Parow and Hedwig Maria Parow on September 8, 1987 and scheduled for closing on or before January 11, 1988 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 19 feet (5.79 metres) by a depth of 94 feet (28.65 metres) and comprising an approximate area of 1,786 square feet (165.91m²) together with structures erected thereon. The purchase price of \$36 500. in accordance with APPENDIX "L" herewith attached is to be charged to Account 0408-W75266 pending receipt of O.B.M. approval for funding. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1987 September 8 respecting the purchase by the City - No. 5 Gerrard Street - Ingeborg Carr.

Purchase by the
City - 5 Gerrard
Street - Ingeborg
Carr

The Committee approved the following recommendation:

23. That an Option to Purchase the property at 5 Gerrard Street duly executed by Ingeborg Carr on September 8, 1987 and scheduled for closing on or before January 12, 1988 be completed.

Planning and Development Committee

Wednesday, 1987 September 16

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 19 feet (5.79 metres) by a depth of 94 feet (28.65 metres) and comprising an approximate area of 1,786 square feet (165.91m²) together with structures erected thereon. The purchase price of \$36 500. in accordance with APPENDIX "M" herewith attached is to be charged to Account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

Purchase by the
City - 7 Gerrard
Street - Willi
Richard Parow
and Hedwig Maria
Parow

The Committee was in receipt of a report from the Director of Property dated 1987 September 8 respecting Purchase by the City - No. 7 Gerrard Street - Willi Richard Parow and Hedwig Maria Parow.

The Committee approved the following recommendation:

That an Option to Purchase the property at 7 Gerrard Street duly executed by Willi Richard Parow and Hedwig Maria Parow on September 8, 1987 and scheduled for closing on or before January 13, 1988 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 19 feet (5.79 metres) by a depth of 94 feet (28.65 metres) and comprising an approximate area of 1,786 square feet (165.91m²) together with structures erected thereon. The purchase price of \$36 500. in accordance with APPENDIX "N" herewith attached is to be charged to Account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

Purchase by the
City - 9 Gerrard
Street - 573667
Ontario Limited

The Committee was in receipt of a report from the Director of Property dated 1987 September 8 respecting the Purchase by the City - No. 9 Gerrard Street - 573667 Ontario Limited.

The Committee approved the following recommendation:

That an Option to Purchase the property at 9 Gerrard Street duly executed by 573667 Ontario Ltd. (Norman Ferguson, President) on September 8, 1987 and scheduled for closing on or before November 25, 1987 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 19 feet (5.79 metres) by a depth of 95 feet (28.95 metres) and comprising an approximate area of 1,805 square feet (167.68m²) together with structures erected thereon. The purchase price of \$38 500. in accordance with APPENDIX "O" herewith attached is to be charged to Account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

Purchase by the
City - 10 Gerrard
Street - Tony
Dilello

The Committee was in receipt of a report from the Director of Property dated 1987 September 1 respecting Purchase by the City - No. 10 Gerrard Street - Tony Dilello.

Planning and Development Committee

Wednesday, 1987 September 16

The Committee approved the following recommendation:

That an Option to Purchase the property at 10 Gerrard Street duly executed by Tony Dilello on August 27, 1987 and scheduled for closing on or before November 20, 1987 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 26.67 feet (8.13 metres) by a depth of 80 feet (24.38 metres) and comprising an approximate area of 2,133.6 square feet (198.2m²) together with structures erected thereon. The purchase price of \$49 500., in accordance with APPENDIX "P" herewith attached, is to be charged to Account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1987 September 1 respecting Purchase by the City - No. 12 Gerrard Street - Maudy Dilello.

The Committee approved the following recommendation:

That an Option to Purchase the property at 12 Gerrard Street duly executed by Maudy Dilello on August 27, 1987 and scheduled to close on or before November 20, 1987 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 24 feet (7.315 metres) by a depth of 1,920 square feet (178.36m²) with structures erected thereon. The purchase price of \$47 500. in accordance with APPENDIX "Q" herewith attached is to be charged to Account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1987 September 1 respecting Purchase by the City - No. 24 Gerrard Street - Stella Zaras.

The Committee approved the following recommendation:

That an Option to Purchase the property at 24 Gerrard Street duly executed by Stella Zaras on August 26, 1987 and scheduled to close on or before November 23, 1987 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 19 feet (5.79 metres) by a depth of 80 feet (24.38 metres) comprising an approximate area of 1 520 square feet (141.20m²) with structures erected thereon. The purchase price of \$36 500. in accordance with APPENDIX "R" herewith attached is to be charged to Account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1987 September 8 respecting Purchase by the City - No. 29 Gerrard Street - 573667 Ontario Limited.

Purchase by the
City - 12 Gerrard
Street -
Maudy Dilello

Purchase by the
City - 24 Gerrard
Street -
Stella Zaras

Purchase by the
City - 29 Gerrard
Street -
573667 Ontario
Limited

Planning and Development Committee

Wednesday, 1987 September 16

The Committee approved the following recommendation:

That an Option to Purchase the property at 29 Gerrard Street duly executed by 573667 Ontario Ltd. (Norman Ferguson, President) on September 8, 1987 and scheduled for closing on or before November 25, 1987 be completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 having a frontage of 19 feet (5.79 metres) by a depth of 100 feet (30.48 metres) and comprising an approximate area of 1 900 square feet (176.51m²) together with structures erected thereon. The purchase price of \$34 500. in accordance with APPENDIX "S" herewith attached is to be charged to Account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

The Committee was in receipt of a recommendation from the Urban Design Committee dated 1987 August 24 respecting a Commercial Sign Study.

The Committee approved the following recommendation:

That a Commercial Sign Study be included in the Planning and Development Department's work programme for 1988.

There being no further business, the meeting then adjourned.

Taken as read and approved,

S. K. Reader
Acting Secretary
1987 September 16

ALDERMAN J. SMITH, CHAIRMAN
PLANNING & DEVELOPMENT COMMITTEE

Commercial
Sign Study

Adjournment

Tuesday, September 29, 1987
7:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Mayor R. Morrow
Alderman T. Cooke
Alderman W. M. McCulloch
Alderman B. Hinkley
Alderman D. Christopherson
Alderman H. Merling

Also present: E. Kowalski, Director of Community Development
T. Bradley, Manager of Purchasing
J. Thompson, Secretary

As outlined in a report of the Manager of Purchasing dated September 29, 1987, the Committee agreed to submit the following recommendation to City Council for approval.

1. That a contract be awarded to Standard Paving, Hamilton in the amount of \$120 305. including applicable taxes to construct York Boulevard Streetscape, in accordance with specifications issued by the Manager of Purchasing and Vendor's tender and that an agreement be entered into by the City and the successful bidder.

NOTE: Lowest of three tenders received. \$90 000. provided in Streetscape Improvements, North Side, York Boulevard, MacNab to James Street, Account No. 0408-J72975. The additional expenditure be financed from the contingency allowance within the overall approved Parkade cost of \$7.2 million. Cadillac Fairview were issued a Purchase Order in the amount of \$7.2 million for the construction of the Parkade. The reduction of the contingency in the amount of \$30 305. provides for the completion of the streetscape improvements on the north-side of York Boulevard from MacNab to James Street. This will result in a reduction of \$30 305 to the original Purchase Order and contract issued to Cadillac Fairview. The new net contract total will therefore be \$7 133 195.

Awarding of
Contract to
Standard Paving
Re:
Construction of
York Boulevard
Streetscape

The meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

John Thompson, Secretary
September 29, 1987

Typed by M. J. Walton

Sept. 24/87

2.

Dear Neighbor

Recently it was brought to our attention that Delta Tabernacle Church (corner of King - Rosslyn) is being illegally converted to a lodging house for up to 50 tenants. The owner(s) of this building haven't even applied for a building permit. Our concern about this type of building use is, decreased property values, parking congestion, etc. Aldermen Valeriano and Hinkley and Mayor Morrow have promised swift action. Without parking facilities owned by the owner(s) of the building this conversion is illegal and completely inappropriate and will be stopped.

Opposed to the conversion of Delta
Tabernacle Church (King & Rosslyn) to a
Lodging House.

<u>Name</u>	<u>Address</u>
Mike Blackwell	428 Maple
Dr. J. W. Fork	1320 King St E
Mrs. J. W. Fork	1320 King St E
FRANK GAUTHIER	1308 KING ST E
FRANK LODI	1316 King ST. E
James Ester	424 Maple Ave.
Fernando Struffles	424 Maple Ave.
John Smith	3 Kensington St.
Margaret MacQueen	32 Rosslyn So.
R. M. [unclear]	427 Maple Ave
Art L. Liebenbach	427 MAPLE AVE
Mr. & Mrs. Roger Locke	32 Rosslyn Ave. S.
Mrs. R. Celi	431 Maple Ave
Mr. L. Hall	42 Rosslyn Ave So
Mr. R. Adam	10 Rosslyn Ave. S.
John Henry	436 MAPLE AVE
Cornie W. Allen	57 Rosslyn South
Chick da Silva	16 Rosslyn South
J. D. Remy	45 Rosslyn Ave South

Opposed to the conversion of Delta Tabernacle Church (King & Rosslyn) to a Lodging House

<u>Name</u>	<u>Address</u>
Kozlov	49 Rosslyn Ave S
Kozlov	"
Mr. Lohr	53 Rosslyn S.
E. M. Purnum	57 Rosslyn Ave S.
Philip STEVES	61 ROSSLYN S.
Stanley Andrew	82 Rosslyn S.
Zvonko Zubilic	72 Rosslyn S.
Mary Heaps	68 Rosslyn Ave S.
Brian + Brenda Henderson	52 Rosslyn Ave S.
Mr & Mrs John Caldwell	48 ROSSLYN " "
John Barth	51 Kensington Ave
Delta Farewell	47 Kensington A South
Ed Thompson	55 Kensington South
W. L. H.	12 Kensington Ave
H. H. H.	71 Kensington Ave
Miss O'Connell	72 KENSINGTON S
Victoria Piccioni	54 Kensington S.
Sam Purnum	
Phyllis Purnum	50 ROTHSAV AV
Lois Purnum	
Jane Redmond	59 Parkway Ave

Opposed to the conversion of Delta Tabernacle
(King & Rosslyn) to a Lodging House.

<u>Name</u>	<u>Address</u>
Greg Glover	16 Rosslyn Ave S.

SEP 29 1987

3a.

Canadian Urban and Housing Studies Conference

FEBRUARY 18-20, 1988, THE UNIVERSITY OF WINNIPEG

Dear Urban and Housing Studies Specialist:

You are cordially invited to attend the **Canadian Urban and Housing Studies Conference**. This important event will take place at The University of Winnipeg, located in the heart of downtown, on February 18, 19 and 20, 1988.

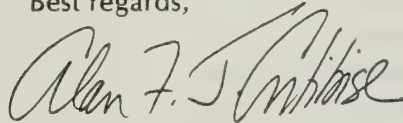
The conference is a major opportunity for researchers and practitioners to communicate their research and experiences and to receive critical analysis of their work. The conference is intended to promote interdisciplinary and comparative perspectives on a wide variety of topics.

The conference programme includes more than 50 sessions with over 150 speakers from the private, public and university sectors and from Canada, the United States, Europe, Africa and New Zealand. We are confident that the wide variety of participants will complement your personal reflections and research in the fields of urban and housing studies.

Enclosed is a detailed conference programme as well as registration and accommodation information. Please note as well the tours we have arranged of key Winnipeg developments and the information outlining the activities and attractions of Winnipeg, "the Bull's Eye of the Dominion."

I look forward to welcoming you to Winnipeg.

Best regards,



Alan F.J. Artibise
Director
Institute of Urban Studies



T-105.
comm.
1988 comm.



Canadian Urban and Housing Studies Conference

FEBRUARY 18-20, 1988, THE UNIVERSITY OF WINNIPEG

REGISTRATION FORM

BADGE INFORMATION

Name: _____
SURNAME GIVEN NAMES

Title: _____

Institution: _____

MAILING ADDRESS

PHONE NUMBERS

Daytime _____ Evening _____

Conference Fee

PRE-REGISTRATION/Before December 18

Full Registration (includes banquet)	\$200.00	_____
Daily Registration (excludes banquet)	75.00	_____
Day 1		_____
Day 2		_____
Day 3		_____
Additional Banquet Ticket	35.00	_____
TOTAL \$		_____

REGISTRATION/After December 18

Full Registration (includes banquet)	\$250.00	_____
Daily Registration (excludes banquet)	100.00	_____
Day 1		_____
Day 2		_____
Day 3		_____
Additional Banquet Ticket	35.00	_____
TOTAL \$		_____

Reminders

■ Please enclose full fees. Please note that the full registration fee includes the following: entrance to all sessions; Thursday evening reception; Friday evening reception; lunches on Thursday, Friday and Saturday; Friday evening banquet; coffee and juice service throughout the conference; and conference materials ■ Accommodation deadline for special conference rates at the three conference hotels — The Westin Hotel, The Holiday Inn Winnipeg Downtown, and The Relax Inn — is January 1st. Make your reservations early ■ Enclose separate registration form for each delegate ■ Make all cheques payable to the Institute of Urban Studies ■ Registration fees cannot be refunded after January 10, 1988.

Return to:

Canadian Urban and Housing Studies Conference

Institute of Urban Studies, The University of Winnipeg
 515 Portage Avenue, Winnipeg, Manitoba R3B 2E9 CANADA
 Tel: (204) 786-9409

RELAX PLAZA WINNIPEG
ACCOMMODATION REQUEST

Group Name: Institute of Urban Studies, Canadian Urban and Housing Studies
Conference, February 18-20, 1988

Guest Name: _____

Address: _____

Phone: Business _____ Residence _____

Arrival Date: _____ Departure: _____

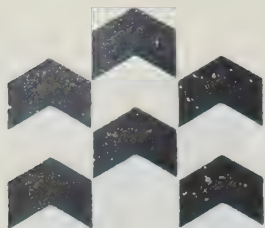
Type of Room Requested: _____ King _____ King Non-Smoking
(1 King size bed in each room)
_____ Queen _____ Queen Non-Smoking
(2 Queen size beds in each room)
_____ Leisure _____ Leisure Non-Smoking
(1 Queen size bed, 1 Queen pullout)

Method of Payment: Cash _____ Visa _____ Mastercard _____
Enroute _____ American Express _____
Card Number _____
Expiry Date _____
Signature _____

Please note in order to guarantee your room(s) it is necessary to provide us with a credit card or alternatively the cost of one night's accommodation, including tax, at least one month in advance. The group rate of \$45.00 plus 7% sales tax, per room, per night, will be provided to you if you wish to arrive before and/or leave after your event.

Please mail your registration to:

RELAX PLAZA HOTEL
Sales Department
360 Colony Street
Winnipeg, MB R3B 2P3
Tel: toll free 1-800-661-9563
or (204) 786-7011



MANITOBA HOME BUILDERS' ASSOCIATION



206 - 1120 GRANT AVENUE ☐ WINNIPEG, MANITOBA R3M 2A6 ☐ TELEPHONE: (204) 477-5110

MANITOBA HOME BUILDER'S ASSOCIATION SUBDIVISION/SHOW HOME TOUR

The Manitoba Home Builders Association, which represents the residential construction industry in Manitoba, has been bringing its members together in support of the industry for over 50 years. Formed in 1937, MHBA's function was to assist builders and suppliers in alleviating problems in planning production runs and inventory. Today, the Association brings together over 260 member builders and associates, dedicated to the provision of quality, affordable housing for all Manitobans.

Bus tours of six of Winnipeg's leading residential housing development projects will provide delegates with a perspective of the realistic considerations made in the planning, implementation and marketing process of new housing.

Two separate tours have been arranged on:

Thursday, February 18, 1988

1:30 p.m. to 3:30 p.m.

- Tour A High End Housing Projects
Tuxedo Estates, Lindenwoods, Whyte Ridge
or
Tour B Affordable Housing Projects
Riverbend, Maple Glen, Garden Grove

Registration is limited to 20 delegates per tour, on a first-come, first-serve basis. Early registration is recommended. The charge for a tour is \$5.00 per person. Payment for the tour should accompany conference registration. Registration will also be available at the Conference Registration Desk providing there is space available.

* * * * *

Please register me for the Manitoba Home Builder's Tour:

_____ Tour A - High End Housing Projects or _____ Tour B - Affordable Housing Projects

I have enclosed my registration fee of \$5.00 _____ (Please make cheque payable to the Institute of Urban Studies).

Name: _____

Association: _____

Return to: Canadian Urban and Housing Studies Conference, Institute of Urban Studies, 515 Portage Avenue, Winnipeg MB R3B 2E9



A member of the
Canadian
Home Builders'
Association

F O R A C T I O N

4a.

FROM P. KUPPE

DATE October 7, 1987

TO J. THOMPSON

Refer To File No. _____

Attention Of _____

Your File No. _____

SUBJECT

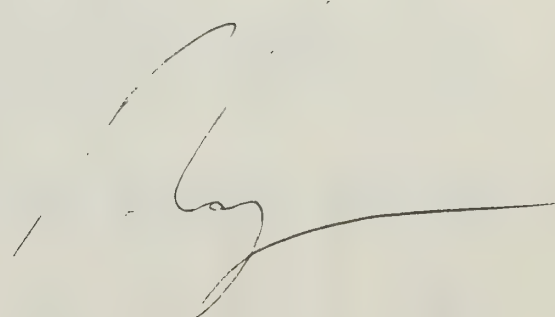
DEMOLITION

RECOMMENDATION

That the Building Commissioner be authorized to issue demolition permits for the demolition of residential buildings as outlined below.

BACKGROUND

1. 20 Brucedale East
2. 32 Brucedale East
3. 34 Brucedale East
4. 36 Brucedale East
5. 38 Brucedale East

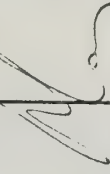
A handwritten signature in dark ink, appearing to be 'J. Thompson', is written over the bottom right portion of the page.

B U I L D I N G D E P A R T M E N T

DEMOLITION APPLICATIONS

CATEGORY "A" - PROPOSED USE OF

LAND IS PERMITTED BY PRESENT ZONING

DATE: October 7, 1987						
ITEM	ADDRESS	PRESENT USE	PROPOSED USE	LOT SIZE	ZONE	RECOMMENDATION
1.	20 Brucedale East	S.F.D.	Townhouse	155 X 150	'DE-3/S 911	It is recommended that the Committee approve demolition
2.	32 Brucedale East	S.F.D.	Townhouse	30 X 225	'DE-3/S 911	It is recommended that the Committee approve demolition
3.	34 Brucedale East	S.F.D.	Townhouse	30 X 225	'DE-3/S 911	It is recommended that the Committee approve demolition
4.	36 Brucedale East	S.F.D.	Townhouse	25 X 220	'DE-3/S 911	It is recommended that the Committee approve demolition
5.	38 Brucedale East	S.F.D.	Townhouse	35 X 220	'DE-3/S 911	It is recommended that the Committee approve demolition
NOTE: The above applications were tabled August 12, 1987 because the Planning and Development Committee request additional information.						
Applicant has agreed to give presentation to the Committee						
						
PETER C. LAMPMAN, P. ENG., DIRECTOR OF PLAN EXAMINATION						

NOTE: The above applications were tabled August 12, 1987 because the Planning and Development Committee request additional information.

Applicant has agreed to give presentation to the Committee

PETER C. LAMPMAN, P. ENG.,
DIRECTOR OF PLAN EXAMINATION

FOR ACTION

5a.

FROM E. W. Kowalski, Director
Department of Community Development

TO Planning and Development Committee

DATE 1987 October 07
800-0300
Refer To File No. 800-0016.3

Attention Of _____

Your File No. _____

SUBJECT

Ontario Home Renewal Programme (O.H.R.P.) and Hamilton Rehabilitation Programme (H.A.R.P.)

RECOMMENDATION

That the attached four (4) O.H.R.P. applications and one (1) H.A.R.P. application be submitted to City Council for approval, authorizing the Department of Community Development to process grants/loans in the amount not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme (O.H.R.P.) and pursuant to By-law 78-113 for the Hamilton Rehabilitation Programme (H.A.R.P.).

E. Kowalski

BACKGROUND

With respect to the Ontario Home Renewal Programme, attached is a list of four (4) applicants whose applications are currently being processed for grants and/or loans pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applicants to date under the Ontario Home Renewal Programme is three thousand eight hundred and twenty-two (3,822).

With respect to the Hamilton Rehabilitation Programme, attached is a list of one (1) applicant whose application is currently being processed for a loan pursuant to By-law 78-113.

For the information of the members of the Committee, the total number of applicants to date under the Hamilton Rehabilitation Programme is three hundred and thirty-one (331).

Planning and Development
Committee

Ontario Home Renewal Programme

1. J. Kulpaka
315 Cumberland Avenue
2. R. Page
104 Rosedale Avenue
3. W. McPherson
507 Dunsmure Road
4. M. Repton
92 Newlands Avenue

Hamilton Rehabilitation Programme

1. J. Ellis
109 Park Row North



OCT

6a.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 October 05
Name & Title
FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.131(4505)
TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Purchase by the City -
213 Brant Street - Allan Howard Copeland

RECOMMENDATION

That an Option to Purchase the property at 213 Brant Street duly executed by Allan Howard Copeland on September 30, 1987 and scheduled to close on or before December 4th, 1987 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan I and has a frontage of 35 feet (10.67 metres) by a depth of 80 feet (24.38 metres) comprising an approximate area of 2,800 square feet (260.12m²) with structures erected thereon. The purchase price of \$73,150.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from Allan Howard Copeland for the purchase by the City of part of Lot 68 and part of Lot 67, Plan 471, having a frontage along the northerly limits of Brant Street of 10.67 metres (35 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 260.12 square metres (2,800 square feet) together with all structures erected thereon and known as Municipal No. 213 Brant Street, for the sum of \$73,150.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

BETWEEN: ALLAN HOWARD COPELAND

Hereinafter called "the Owner"
OF THE FIRST PART;In care of Mr. John Blair Anderson
Barrister & Solicitor
42 James Street North, Suite 220
Hamilton, Ontario
THE CORPORATION OF THE CITY OF HAMILTONHereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$ 1.00--)
paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of Lot 68 and Part of Lot 67, Plan 471, having a frontage along the northerly limits of Brant Street of 10.67 metres (35 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 260.12 square metres (2,800 square feet) together with all structures erected thereon and known as Municipal No. 213 Brant Street, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) A attached hereto.

The purchase price of the said property shall be the sum of SEVENTY-THREE
THOUSAND, ONE HUNDRED & FIFTY DOLLARS (\$ 73,150.00--)
of lawful money of Canada.

The sum of \$ 1.00---already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 3rd day of November 19 87, and may be accepted by a letter mailed or delivered to the ~~owner~~/solicitor/agent at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 30 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before December 4, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at Hamilton this 26th day of September 1987.

ALLAN HOWARD COPELAND

SIGNED, SEALED AND DELIVERED
in the presence of

) Allan H. Copeland (Seal)
) _____ (Seal)
) _____ (Seal)
) _____ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O.1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

_____ Date _____ Year Month Day

Witness

Spouse

(Seal)

9/17/87

SCHEDULE "A"

213 Brant Street
Hamilton, Ontario

Owner's Interest
Allan Howard Copeland

ELEMENTS OF COMPENSATION

Market Value of Realty	\$68,000.00
5% for inconvenience and cost of finding another residence (5% of \$68,000)	\$ 3,400.00
Legal fees, re: 213 Brant St., Mr. J. Anderson	\$ 700.00
Moving allowance	\$ 350.00
Legal fees incurred in acquiring another residence	\$ 700.00

TOTAL COMPENSATION \$73,150.00

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$73,150.00 is full and final payment of all compensation, interest and cost whatsoever which Allan Howard Copeland might be entitled to as a result of the acquisition by The Corporation of the City of Hamilton of the land and buildings known as 213 Brant Street, Hamilton, Ontario.

DATED at Hamilton this 26th day of September 1987.

WITNESS:

Allan Howard Copeland
ALLAN HOWARD COPELAND



OCT 1987

6b.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 October 05
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.100/101(4505)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Purchase by the City -
397/399 Sherman Avenue North - Genevieve Barbara Zaraski

RECOMMENDATION

That an Option to Purchase the property at 397/399 Sherman Avenue North duly executed by Genevieve Barbara Zaraski on October 1, 1987 and scheduled to close on or before December 18, 1987 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan I and has a frontage of 37.50 feet (11.43 metres) by a depth of 90 feet (27.43 metres) comprising an approximate area of 3,375 square feet (313.54m²) with structures erected thereon. The purchase price of \$108,550.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from Genevieve Barbara Zaraski for the purchase by the City of part of Lot 2 and 3, Plan 471, having a frontage along the westerly limits of Sherman Avenue North of 11.43 metres (37.50 feet) more or less by a depth of 27.43 metres (90 feet) more or less, containing a area of 313.54 square metres (3,375 square feet) together with all structures erected thereon and more particularly known as Municipal No.'s 397 and 399 Sherman Avenue North for the sum of \$108,550.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

BETWEEN: GENEVIEVE BARBARA ZARASKI

Mr. Murray McEniry
Barrister & Solicitor
In care of 8 Main Street East, Suite 203
Hamilton, Ontario

Hereinafter called "the Owner"
OF THE FIRST PART;

^{L8N 1P8}
THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part of lots 2 and 3, Plan 471, having a frontage along the westerly limits of Sherman Avenue North of 11.43m (37.50 feet) more or less by a depth of 27.43m (90 feet) more or less, containing an area of 313.54 square metres (3,375 square feet) together with all structures erected thereon and more particularly known as Municipal No.'s 397 and 399 Sherman Avenue North.

Forming part of this Option to Purchase are Schedule(s) "A" attached hereto.

The purchase price of the said property shall be the sum of ONE HUNDRED AND EIGHT THOUSAND, FIVE HUNDRED AND FIFTY DOLLARS (\$108,550.00) of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 3rd day of November 1987, and may be accepted by a letter mailed or delivered to the ~~owner~~/solicitor/agent at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before December 18, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at

Winnipeg

this

1

day of

Oct.

19 *87*.

SIGNED, SEALED AND DELIVERED
in the presence of

[Signature]

) GENEVIEVE BARBARA ZARASKI
) *Mrs. G. Zaraski* (Seal)
) _____ (Seal)
) _____ (Seal)
) _____ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O.1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Year Month Day

Date

Witness

Spouse

(Seal)

9/17/87

397-399 Sherman Avenue North
Hamilton, Ontario

SCHEDULE "A"

Owner's Interest
GENEVIEVE BARBARA ZARASKI

ELEMENTS OF COMPENSATION

Market value of realty	\$103,000.00
5% for inconvenience and cost of finding another residence (5% of \$53,000.00)	\$ 2,650.00
Moving allowance	\$ 700.00
Legal fees re: 397/399 Sherman Avenue North Mr. M. McEniry	\$ 1,100.00
Legal fees incurred in acquiring another property	\$ 1,100.00

TOTAL COMPENSATION \$108,550.00

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the Owner has permission to remove and retain the kitchen cupboards, sink and 2 drawer cupboards attached to the wall in the storage area from 397 Sherman Avenue North, along with a 3 door upper set of white cupboards from 399 Sherman Avenue North.

It is also understood and agreed that the amount of \$108,550.00 is full and final payment of all compensation, interest and cost whatsoever which Genevieve Barbara Zaraski might be entitled to as a result of the acquisition by the Corporation of the City of Hamilton of the land and buildings known as 397 and 399 Sherman North, Hamilton, Ontario

DATED at Mon this 1 day of Oct 1987.

WITNESS:

Mrs. G. Zaraski
GENEVIEVE BARBARA ZARASKI



1987 - 1007

6c.

THE CORPORATION OF THE CITY OF HAMILTON

FROM Mr.D.W.Vyce, Director of Property DATE 1987 October 06
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.125(4505)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Purchase by the City
14 Gerrard Street - Albert Wilson and Marion Wilson

RECOMMENDATION

That an Option to Purchase the property at 14 Gerrard Street duly executed by Marion Wilson and Albert Wilson on October 3, 1987 and scheduled to close on or before December 17, 1987 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 24 feet (7.315 metres) by a depth of 80 feet (24.38 metres) comprising an approximate area of 1,920 square feet (178.368 square metres) with structures erected thereon. The purchase price of \$62,450.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from Marion Wilson and Albert Wilson for the purchase by the City of part of Lot 36, Plan 471, having a frontage along the southerly limits of Gerrard Street of 24 feet (7.315 metres) more or less, by a depth of 80 feet (24.38 metres) more or less, containing an area of 1,920 square feet (178.368m²) more or less, together with all structures erected thereon and known as Municipal Number 14 Gerrard Street, for the sum of \$62,450.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

MARION WILSON

BETWEEN: ALBERT WILSON

Jane Milanetti
Barrister & Solicitor
In care of 100 Main Street East, 39th Floor
Hamilton, Ontario

Hereinafter called "the Owner"
OF THE FIRST PART;

THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lot 36, Plan 471, having a frontage along the southerly limits of Gerrard Street of 7.315 metres (24 feet) more or less by a depth of 24.38 metres (80 feet) more or less, containing an area of 178.368 square metres (1,920 square feet) more or less, together with all structures erected thereon and known as Municipal No. 14 Gerrard Street, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) "A" attached hereto.

The purchase price of the said property shall be the sum of SIXTY-TWO THOUSAND
FOUR HUNDRED AND FIFTY DOLLARS (\$62,450.00)
of lawful money of Canada.

The sum of \$1.00— already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 3rd day of November 19 87, and may be accepted by a letter mailed or delivered to the ~~owner~~/solicitor/agent at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before December 17, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at OCT this 3 day of SAT 1987.

SIGNED, SEALED AND DELIVERED
in the presence of

MARION WILSON
ALBERT WILSON

} Mar Marion Wilson (Seal)
} Albert Wilson (Seal)
} _____ (Seal)

R. W. Shearby

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O.1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Date _____ Year Month Day
Witness Spouse (Seal)

SCHEDULE "A"

14 Gerrard Street
Hamilton, Ontario

Owner's Interest
ALBERT WILSON
MARION WILSON

ELEMENTS OF COMPENSATION

Market value of realty	\$58,000.00
5% for inconvenience and the cost of finding another residence(5% of \$58,000.00)	\$ 2,900.00
Legal fees re: 14 Gerrard - Jane Milanetti	\$ 600.00
Moving allowance	\$ 350.00
Legal fees incurred in acquiring another residence	<u>\$ 600.00</u>
TOTAL COMPENSATION	<u>\$62,450.00</u>

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the owners have permission to remove and retain the front hallway chandelier, livingroom fan light and kitchen light.

It is also understood and agreed that the amount of \$62,450.00 is full and final payment of all compensation, interest and cost whatsoever which Albert and Marion Wilson might be entitled to as a result of the acquisition by the City of Hamilton of the land and buildings known as 14 Gerrard Street, Hamilton, Ontario.

Continued

In consideration of The Corporation of the City of Hamilton closing the purchase of our property at 14 Gerrard Street, Hamilton, Ontario, on December 17, 1987 and allowing us to remain in possession of the property for the sole purpose of redecorating our newly acquired property, we the undersigned acknowledge that we have surrendered the right of possession of these premises. We further agree to allow the Corporation of the City of Hamilton to hold back \$1,000.00 to guarantee that the property at 14 Gerrard Street, Hamilton, Ontario including all buildings and fixtures, will be surrendered to you in good condition by 12:00 noon, December 23, 1987.

Liam Wilson
DATED at OCT this 3 day of SAT. 1987.

WITNESS:

R. Shearby

Albert Wilson
ALBERT WILSON

R. Shearby

Mrs. Marion Wilson
MARION WILSON



6d.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 October 07
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.96(4507)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Purchase by the City of 386 Birch Avenue from
Carrier Canada Limited, Mortgagee in Possession

RECOMMENDATION

That an Option to Purchase 386 Birch Avenue dated October 21, 1986 and executed by F. Pilgrim and Company Limited, which was approved by City Council on November 11, 1986 as Item 18 of the 24th Report of the Planning and Development Committee be rescinded and, that a new Option to Purchase document executed on October 2nd, 1987 by Carrier Canada Limited, Mortgagee in Possession which is scheduled for closing on or before December 21, 1987 be completed.

This property required in connection with the acquisition of lands in the Alpha Enclave (Plan 4) has a frontage of 8.543 metres (28.028 feet more or less), by an irregular depth and comprising an area of 191.5m² (2,061.356 square feet more or less) with structures erected thereon. The purchase price of \$30,500.00 in accordance with Schedule "A" attached is to be charged to account number 0280-35 and demolition is to take place upon closing.

BACKGROUND

The previous purchase of this property agreed to by City Council and scheduled for closing December 18, 1986 was extended to January 18, 1987 then February 18, 1987 and finally March 2, 1987 without success. The Vendor's solicitor was apparently frustrated in completing the transaction by the the disappearance of his client, who was having financial difficulties.

This agreement with Carrier Canada Limited, Mortgagee in Possession will insure that the City obtains title to one of the last remaining properties necessary for the Alpha Enclave Industrial Development.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

CARRIER CANADA LIMITED
BETWEEN: MORTGAGEE IN POSSESSION

Hereinafter called "the Owner"
OF THE FIRST PART;

In care of Mr. Chris Huband
Barrister & Solicitor
Box 25, Commerce Court West
Toronto, Ontario, M5L 1A9
THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

2 In consideration of the sum of ONE DOLLARS (\$ 1.00-) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of Part of Lots 11 and 12 Registered Plan 547, having a frontage along the Easterly limits of Birch Avenue of 8.543 metres (28.028 feet more or less), by an irregular depth and comprising an area of 191.5m² (2061.356 square feet more or less). The said lands together with buildings located thereon are known as 386 Birch Avenue, Hamilton.

Forming part of this Option to Purchase are Schedule(s) "A" attached hereto.

The purchase price of the said property shall be the sum of Thirty Thousand Five Hundred Dollars DOLLARS (\$ 30,500.00 of lawful money of Canada.

The sum of \$1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 3rd day of November 19 87, and may be accepted by a letter mailed or delivered to the owner/solicitor/agent at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 30 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract arising from the acceptance of this Option shall be completed on or before December 21, 1987 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City by means of the City's uncertified cheque.

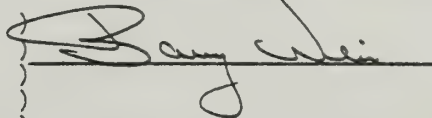
This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

It is understood and agreed that the Vendor shall pay the total cancellation price relative to tax arrears certificate registered against the property as Instrument Number 389387 C.D. before December 1, 1987 or this agreement shall be null and void.

DATED at this day of 19 .
CARRIER CANADA LIMITED MORTGAGEE IN POSSESSION

SIGNED, SEALED AND DELIVERED
in the presence of

 (Seal)
(Seal)
(Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O.1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Year Month Day
Date _____
Witness Spouse (Seal)

9/17/87

SCHEDULE "A"

Property Address

386 Birch Avenue

Owner's Interest

CARRIER CANADA LIMITED
MORTGAGEE IN POSSESSION

ELEMENTS OF COMPENSATION

Market Value of Realty	\$30,000.00
Legal Fees	\$ 500.00

TOTAL COMPENSATION	<u>\$30,500.00</u>
--------------------	--------------------

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

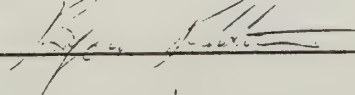
Miscellaneous:

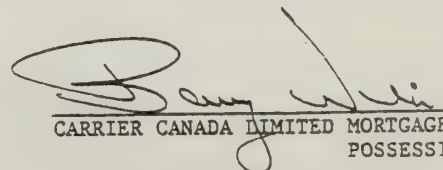
Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$30,500.00 is in full and final payment of all compensation whatsoever which CARRIER CANADA LIMITED MORTGAGEE IN POSSESSION might be entitled to as a result of the purchase by The Corporation of the City of Hamilton of the land and buildings known as 386 Birch Avenue, Hamilton, Ontario.

DATED at Reedville this 2nd day of February 19 88.

WITNESS:




CARRIER CANADA LIMITED MORTGAGEE IN
POSSESSION



SEP 28 1987

SEP 28 1987

6e.

THE CORPORATION OF THE CITY OF HAMILTON

FROM Mr.D.W.Vyce, Director of Property DATE 1987 September 25
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 100.11.112(4505)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Purchase by the City
13 Gerrard Street - Stella Miksza

RECOMMENDATION

That an Option to Purchase the property at 13 Gerrard Street duly executed by Stella Miksza on September 23, 1987 and scheduled to close on or before March 1, 1988 be completed.

This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 19 feet (5.79 metres) by a depth of 97.1 feet (29.59 metres) comprising an approximate area of 1,845 square feet (171.39m²) with structures erected thereon. The purchase price of \$44,950.00 in accordance with Schedule "A" attached, is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

BACKGROUND

We attach hereto an Option to Purchase from Stella Miksza for the purchase by the City of part of Lots 52 and 53, Plan 471 having a frontage along the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less, by a depth of 29.59 metres (97.1 feet) more or less, containing an area of 171.39m² (1,845 square feet) more or less, together with all structures erected thereon and known as Municipal Number 13 Gerrard Street, for the sum of \$44,950.00.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor
- Mr. R. Gillespie, Manager, Property Maintenance

OPTION TO PURCHASE

BETWEEN: STELLA MIKSZA

Hereinafter called "the Owner"
OF THE FIRST PART;

In care of Mr. E. Cain
Barrister & Solicitor
340 Main St. E., Hamilton, Ontario, L8N 1J1
THE CORPORATION OF THE CITY OF HAMILTON

Hereinafter called "the City"
OF THE SECOND PART:

In consideration of the sum of ONE DOLLARS (\$1.00) paid by the City to the Owner (the receipt whereof is hereby acknowledged) the Owner hereby grants to the City the sole and exclusive option, irrevocable within the time for acceptance herein limited, to purchase the following property owned by the Owner, namely, the lands and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of part of Lots 52 and 53 Plan 471 having a frontage along the northerly limits of Gerrard Street of 5.79 metres (19 feet) more or less, by a depth of 29.59 metres (97.1 feet) more or less, containing an area of 171.39 m² (1,845 square feet) more or less, together with all structures erected thereon and known as Municipal No. 13 Gerrard Street, Hamilton, Ontario.

Forming part of this Option to Purchase are Schedule(s) A attached hereto.

The purchase price of the said property shall be the sum of FORTY-FOUR THOUSAND NINE HUNDRED & FIFTY DOLLARS (\$44,950.00) of lawful money of Canada.

The sum of \$ 1.00 already paid to (the agent for) the Owner as consideration for the granting of this Option shall be credited to the City and allowed as part of the purchase price.

The Option hereby granted shall be open for acceptance by the City up to, but not after, the 3rd day of November 1987, and may be accepted by a letter mailed or delivered to the ~~owner~~/solicitor/~~agent~~ at the above address. In the event that this Option is not accepted this Option and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the Owner shall be entitled to retain the said sum given as consideration for the granting of this Option.

In the event of and upon the acceptance of this Option by the City this Option and the letter accepting this Option shall then become a binding contract of purchase and sale between the parties hereto and payment of the said purchase price to the Owner shall constitute complete satisfaction to the Owner for all actions, claims and demands of the Owner for compensation for lands expropriated, for compensation for lands injuriously affected, if any, and for cost, if any, to which the Owner may be entitled by reason of the City having passed a by-law or by-laws expropriating the said lands or any part or parts thereof and for damages and costs, if any, by reason of the act, neglect or default by the City or by anyone on its behalf in respect of the said lands.

Provided that the title is good and free from all encumbrance, except as aforesaid and except as to any registered restrictions and covenants that run with the land, provided that such are complied with. The City is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Owner.

The City is to be allowed 45 days from the date of the acceptance of this Option to examine the title at its own expense. If within that time any valid objection to title is made in writing to the Owner which the Owner shall be unable or unwilling to remove and which the City will not waive the contract arising out of the acceptance of this Option shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and the deposit (including the sum paid for the granting of this Option) shall be returned by the Owner without interest and he and the agent shall not be liable for any costs or damages. Save as to any valid objection so made within such time the City shall be conclusively deemed to have accepted the title of the Owner to the real property.

The contract, arising from the acceptance of this Option shall be completed on or before February 15, 1988 on which date the Owner will convey the said lands to the City or to its nominee by a good and sufficient deed thereof in fee simple, free and clear of all encumbrances, save as aforesaid, and shall deliver vacant possession of the said lands to the City free of all tenancies, leasehold interests or any other rights or interests therein.

Taxes, including Owner's business tax, local improvements, water and sewer rates, etc., to be apportioned and allowed to the date of completion, and no adjustment shall be made for fuel oil.

The Vendor agrees to cancel and terminate all insurance pertaining to the said premises, no later than the actual date and time of closing and prior to the grant, conveyance or transfer of ownership and title to the purchaser, said cancellation and transfer shall be at the full cost and expense of the Vendor.

Pending completion of the sale arising out of the acceptance of this Option the Owner will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the City may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Option whether accepted or not and have all monies theretofore paid (including the sum paid for the granting of this Option) returned without interest.

The Owner covenants and agrees with the City to do nothing to encumber the said property after the execution of this Option by the Owner prior to the completion or other termination thereof, and agrees that the City may, in the presence of the owner or his representative inspect the property on the said date of completion, prior to the closing of the transaction.

It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Any tender or documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City by means of the City's uncertified cheque.

This Option is to be read with all changes of gender or number required by its context.

Time shall be of the essence of this Option and of the contract arising from the acceptance thereof which shall enure to the benefit of and be binding upon the parties hereto, their respective heirs, executors, administrators, successors and assigns.

DATED at Hamilton this 23rd day of September 19 82

SIGNED, SEALED AND DELIVERED
in the presence of

Barry Dyer

) STELLA MIKSZA
) *Stella Miksza* (Seal)
) _____ (Seal)
) _____ (Seal)
) _____ (Seal)

The Undersigned Spouse of the Vendor hereby consents to the disposition evidenced herein pursuant to the provisions of The Family Law Reform Act, 1978, S.O.1978, c.2, as the same may be amended from time to time.

In consideration of the sum of One Dollar (\$1.00), (the receipt of which from the City is hereby acknowledged), the undersigned spouse of the Vendor hereby agrees with the City that he/she will execute all necessary or incidental documents to give full force and effect to the sale evidenced herein.

Year Month Day
Date _____
Witness _____ Spouse _____ (Seal)

9/17/87

SCHEDULE "A"

13 Gerrard Street
Hamilton, Ontario

Owner's Interest
Stella Miksza

ELEMENTS OF COMPENSATION

Market Value of Realty	\$42,000.00
5% for the inconvenience and cost of finding another residence (5% of \$42,000)	\$2,100.00
Legal fees re: 13 Gerrard St. & Mr. E. Cain	\$ 500.00
Moving Costs	\$ 350.00
TOTAL COMPENSATION	<u>\$44,950.00</u>

Appurtenances and fixtures for which compensation is being paid as listed below and which must remain on the premises when vacant possession is given. It is understood and agreed that all fixtures, fittings and chattels not itemized herein which are left behind on the premises at the time vacant possession is delivered, shall be deemed to be abandoned and The Corporation of the City of Hamilton may dispose of same.

Floor Coverings:

Linoleum, tiles, carpeting, any covering normally held down with tacks or glue, etc.

Electrical Apparatus:

Built in fans, light fixtures, sockets, bulbs, fuses, wiring, switches, plugs, switch plates, fuse boxes, electrical equipment which is built in, appliances belonging to the City, antennae, air conditioners, door chimes, door bells, etc.

Plumbing:

Toilets, sinks, piping, drains, taps, handles, washtubs, faucets, showers, cistern, and well pumps, and motors, sump pumps and motors, etc.

Miscellaneous:

Awnings, doors, door knobs, locks, screens, storm windows, fences, gates, enclosures, sheds, outbuildings, patio stones, fireplaces, outdoor lights, flame hoods and exhaust fans, furnaces, ducts, humidifiers, thermostats, steps, cupboards, closets, wall mirrors, door mirrors, permanent shelving, mailboxes, shrubs, trees, plants, sod, flowers, gravel, railings, trellises, etc.

It is understood and agreed that the amount of \$44,950.00 is full and final payment of all compensation, interest and cost whatsoever which Stella Miksza might be entitled to as a result of the acquisition by the Corporation of the City of Hamilton of the land and buildings known as 13 Gerrard Street, Hamilton, Ontario.

DATED at Hamilton this 3rd day of September 1987.

WITNESS:

[Signature]

[Signature]

STELLA MIKSZA

7a
SEP 29 1987

F O R A C T I O N

FROM Department of Engineering

DATE September 24, 1987

TO Planning and Development Committee

Refer to File No. S720-16

Attention Of K. A. Brenner


Your File No. _____

SUBJECT

"TEMPLEMEAD NO. 2 SURVEY - PHASE 4", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

The Corporation of the City of Hamilton accept the sum of \$11,794.62 as cash payment in lieu of 5% dedication in connection with "TEMPLEMEAD NO. 2 SURVEY - PHASE 4", Hamilton, this being the cash requirement under Section 50 of the Planning Act.



J. R. G. Leach


for Commissioner of Engineering

BACKGROUND

The owners of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$11,794.62.

*Note: These lands are located west of Upper Ottawa Street and North of Rymal Road in the Templemead Neighbourhood, Hamilton.

 DVC:sw

cc: D. Consoli, City Treasury Dept.
cc: P. Shen, City Solicitor's Office

7b.

cc: D. Consoli, City Treasury Dept.
cc: P. Shen, City Solicitor's Office

SEP 29 1987

7c.

FROM Department of Engineering

DATE September 24, 1987

TO Planning and Development Committee

Refer to File No. S722-10

Attention Of K. A. Brenner

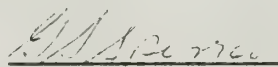
Your File No. _____

SUBJECT

"VIGNATICO VILLAGE - PHASE 1", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

The Corporation of the City of Hamilton accept the sum of \$4,056.64 as cash payment in lieu of 5% dedication in connection with "VIGNATICO VILLAGE - PHASE 1", Hamilton, this being the cash requirement under Section 50 of the Planning Act.



J. R. G. Leach
Commissioner of Engineering

BACKGROUND

The owners of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$4,056.64.

*Note: These lands are located west of Upper Gage Avenue and North of Rymal Road in the Eleanor Neighbourhood, Hamilton.

DVC:sw

cc: D. Consoli, City Treasury Dept.
cc: P. Shen, City Solicitor's Office

7d.

I.D. #0043D (40)

F O R A C T I O N

FROM Department of Engineering DATE September 22, 1987
TO Planning & Development Committee Refer to File No. S707-36

Attention Of K. A. Brenner

Your File No. _____

SUBJECT

Gilkson Woods Addition - Phase 2, Grading

RECOMMENDATION

The lot grading in Gilkson Woods Addition, Phase 2, Plan 62M-363 be accepted as satisfactory.

NOTE

The grading in this single family subdivision is satisfactory except for a dispute between two land owners, which does not affect any other property.

J. R. G. Leach
J. R. G. Leach
Commissioner of Engineering

ANALYSIS

The City entered in 1983 into a subdivision agreement with Stanlow Holdings Ltd. for a 27 single family lot subdivision in the Upper Paradise Road area.

Cont'd

- Page 2 -
September 22, 1987

Gilkson Woods Addition - Phase 2, Grading

Cont'd

All grading matters in this subdivision have been cleared up except for two lots. The subdivider has on a number of occasions attempted to resolve it and the consultants and City Hall staff have spent in the vicinity of 20 hours trying to clear up the matter.

The difficulty lies in the fact that the two land owners cannot agree on a reasonable solution to the problem. As a matter of fact, the last time the subdivider undertook some work, one owner appears to have altered the elevation within 24 hours of the corrective work being done.

In any event, the dispute does not involve any other property line, does not cause any damage, does not result in any water ponding and involves elevation differences of a few centimetres.

For the above stated reasons the Legal Department and Engineering Department recommend that no further action be taken on the matter.

KB:mm

c.c. Legal Department, City Hall
Att: Lorne Farr

[illegible]

OCT - 2 1987

8a.

F O R A C T I O N

FROM P.M. Eker, Acting City Solicitor DATE 1987 September 30
TO Chairman and Members Refer To File No. 100-1.376 (A)
Planning and Development Committee Attention Of P.R.A. Hooker
Attn: Mr. J. D. Thompson, Secretary Your File No. _____

OCT - 2 1987

SUBJECT

City vs Sam Henson Apartments Ltd., Dr. R. G. Stopps, et al
252, 262, 268 James Street South - The Building Code Act

RECOMMENDATION

That the legal costs of Dr. R. G. Stopps on his \$65,000 counterclaim, in the above City action, be settled by the City's payment of \$300 to Wilkins, Wynne & Horodyski, in trust, in exchange for his Consent to Dismissal of the counterclaim by him.



P. M. Eker
Acting City Solicitor

BACKGROUND

In the Spring of 1986, the Building Department discovered Building Code non-compliances in the corporate land owner's conversion of the above buildings from residential to commercial office uses. Various prosecutions under the above Act did not achieve actual compliance, with the result that the Building Commissioner instructed the City Solicitor to launch application for a higher court order concerning the owner's defaults. The nature of the application required that occupiers of the buildings also be made parties respondent to the City's application.

Other than the owner, only Dr. R. G. Stopps formally responded to the City's application. He asserted a counterclaim against the owner and the City for \$65,000 for allegedly failing to give him advance warning of deficiencies in the building before the establishing and furnishing of his offices.

As a result of cross-examinations and developments in companion court cases, in early 1987 the Building Commissioner directed that the City's application be terminated. This was done, on a without costs basis, as between the City and the

landowner, however, Dr. Stopps' counsel, who prepared court documents, correspondence, attended on the cross-examination and generally participated in the matter, insists on payment of his client's costs of at least \$300. This figure is very reasonable, since he could "tax" significantly more money before a court assessing official if this proposal is not approved. We therefore recommend as above.

The payment could be made from account No. 0325-02
(Disbursements re Hearings, etc.).



9a.

THE CORPORATION OF THE CITY OF HAMILTON

FROM L. G. Saltmarsh, Fire Chief DATE September 23, 1987
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. _____

TO: CITY COUNCIL ☐ (OR) Planning and Development ☒
Committee

SUBJECT Provision of access roads and water supplies for fire protection
in areas containing new home construction sites.

RECOMMENDATION

That the City Solicitor be authorized and directed to amend City of Hamilton Subdivision agreements by adding the following:

- (a) that the Building Commissioner shall not issue a building permit before the regional water supply for fire protection is available and operational and an access road acceptable to the City has been provided; and
- (b) that the City Solicitor also be authorized and directed to draft a by-law confirming the above.

Notwithstanding the foregoing, the Building Commissioner may issue building permits for a maximum of six (6) model homes per Subdivision.

BACKGROUND

A recent \$10 million dollar fire in Markham, Ontario where more than 100 homes under construction were destroyed was just one of a series of such incidents which have occurred in the past 18 months where inadequate water supply was considered a major factor.

Subsequent to the Markham fire, the Hamilton Fire Department has been investigating the availability of water on new construction sites, and we have determined that a serious water supply problem does exist in some areas.

It is our view that adoption of the recommendation contained herein would greatly reduce the potential for large loss fires to occur on construction sites.

It should be noted that the above referenced by-law would enable the Building Commissioner to refuse to issue a permit in accordance with provisions of the Ontario Building Code.

Staff have met with representatives of the Hamilton and District Home Builders Association and discussed various alternative methods of dealing with this situation.

Alternatives considered included:

- permitting 10% of new homes to be completed without water and roads
- allowing construction within 400 feet of an existing charged hydrant
- permitting construction to proceed to the sub-floor
- requiring every sixth house to be bricked in to act as a fire break prior to proceeding with the framing for additional houses.

While it is recognized that all or most of the alternatives are feasible, these proposals were rejected on the basis that they are much more difficult to administer and would necessitate the acquisition of additional staff.

10a

FOR INFORMATION

FROM Lou Sage, Chief Administrative Officer **DATE** 1987 October 01
TO Planning and Development Committee **Refer To File No.** 865-0001
Attention Of _____
Your File No. _____

SUBJECT

Construction of Homes on Guildwood Drive

BACKGROUND

A meeting was convened with Mr. N. Welch and Mr. J. Morganti, P. Eng., concerning the complaints received by the Planning and Development Committee from nearby homeowners.

The problem involves both the Developer and any current owners of the applicable properties who are not applying correct engineering to the grading and drainage pattern in the subdivision. The major issue with the property owners backing onto the Developer's lands is primarily one of aesthetic as individual homeowners seem to be taking a different approach to the installation of retaining walls.

The Developer, Mr. Welch has made a commitment that he will meet with the various builders to ensure that good engineering practice is applied to the retaining wall and drainage plans. The Developer and his Engineer will present amended plans based on the agreement reached by the Developer and the individual builders to the Planning and Development Committee. Hopefully these plans will prove satisfactory to all persons residing in that particular neighbourhood.

The meeting with the Developer, his Engineer and our staff revealed that there were certain communication difficulties between the Developer, his Engineer and Lawyer. The meeting resulted in the Developer becoming convinced that the problem should be rectified prior to winter.

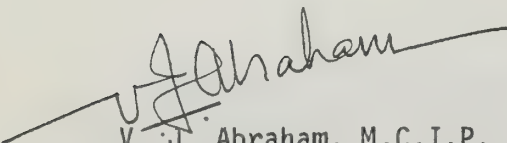
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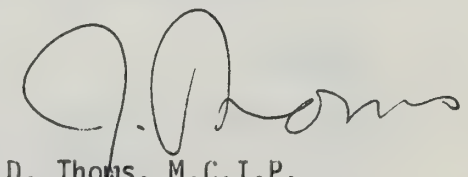
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2. That consideration be given to an amended zoning application to establish a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for the rear 24.384 m (80.0 ft.) portion of the site, and to "G" (Neighbourhood Shopping Centre, etc.) District, modified for the balance of the holding fronting onto Upper Sherman Avenue to permit:

- a barber shop or hairdressing establishment;
- a bank
- a dry cleaning establishment
- a neighbourhood convenience store; or,
- a business, professional person or medical office.

Should the applicant decide to amend the application on the basis of the foregoing, it will be necessary to recircularize the application.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Ashok Kumar, owner

LOT SIZE AND AREA

The lands have a total:

- frontage of 30.48 m (100.00 ft.) on Upper Sherman Avenue;
- depth of 56.97 m (183.0 ft.); and,
- area of 1,699.87 m² (18,297.84 sq.ft.).

LAND USE AND ZONING

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>Subject Lands</u>	Gas bar and auto body shop	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	semi-detached dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the south	single family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

to the east	single family dwellings	"C" (Urban Protected Residential, etc.) and "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the west	vacant lands and single-family dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A", the proposal does not comply. Approval of the proposal would require an Official Plan Amendment to redesignate the subject lands from "Residential" to "Commercial".

NEIGHBOURHOOD PLAN

Designated "Single and Double" Residential on the approved Thorner Neighbourhood Plan. An amendment to redesignate the subject lands to "Commercial" would be required if the application is approved.

RESULTS OF CIRCULARIZATION

- The Building Department have advised that the zoning is subject to Sections 14A(1)(d), 14(1)(xvii), and Section 18(3)(ivd) and (ivc) of Zoning By-law No. 6593
- The Traffic Department, The Hamilton-Wentworth Engineering Department and the Hamilton Region Conservation Authority have no comments or objections.

BACKGROUND

- The property located at No. 1094 Upper Sherman Avenue is currently an existing legal non-conforming auto body repair shop. It is the applicants intention to redevelop the site in accordance with the attached site plan (see APPENDIX "B") to permit:
 - a self-serve gas bar;
 - a coin-operated manual car wash, having six stalls; and,
 - an office/kiosk in the same building with the car wash stalls.
- On April 9, 1986, the Planning and Development Committee tabled the application at the request of Alderman Merling to obtain the names of the persons who recently purchased the lots in the new subdivision, west of the subject lands so they may be contacted for the public meeting.

- On January 25, 1987, Mr. Kumar sent a letter to the Planning Department requesting that his application be amended, as the owner of lands abutting to the north which were to be part of a land exchange with the applicant for development of this site, were sold for residential purposes which altered the proposed site configuration.
- On February 13, 1987, the Planning Department sent a letter to Alderman Merling requesting direction regarding rehearing of the application.
- On April 29, 1987, the Planning Department sent a second letter requesting further direction of this matter.
- On August 20, 1987, the applicants solicitor, John Z. Ulenski, wrote to the Planning Department requesting that the item be reheard at the earliest opportunity.

COMMENTS

1. The proposal does not comply with the Official Plan, and would require an amendment to redesignate the subject lands from "Residential" to "Commercial".
2. The proposal conflicts with the intent of the Thorner Neighbourhood Plan which designates the subject property as "Single and Double" Residential. Approval of the proposal would require a redesignation of the subject lands to "Commercial".
3. Although the proposal may be less offensive than the existing auto body repair shop, the proposal cannot be supported for the following reasons:
 - It would be incompatible and out of character with existing and proposed development in this area comprised primarily of single-family and two-family dwellings.
 - It represents an undesirable intrusion of a commercial use into a new subdivision development. In this regard, the side yard of Lot 13 on Registered Plan M-5R (Sherman-Oakes, Phase 4) would overlook the area to be occupied by the 6 car wash bays, the 2 vacuum cleaning machines and the area used for parking and manoeuvring.
 - It represents an overintensification of land use in that the preliminary site plan submitted with the application would require the following variances:
 - i) a front yard of a depth of at least 6.0 m (19.69 ft.), whereas a front yard of at least 12.0 m (39.37 ft.) is required (Section 14A(3)(a));
 - ii) a side yard of a width of at least 3.0 m (9.84 ft.) along the southerly lot line, whereas a side yard of at least 4.5 m (14.76 ft.) is required (Section 14A(3)(b));

- iii) a rear yard of a depth of at least 3.0 m (9.84 ft.), whereas a rear yard of at least 6.0 m (19.69 ft.) is required (Section 14A(3)(c));
- iv) a minimum 3.0 m (9.84 ft.) building setback from the adjoining residential districts along the southerly and westerly lot lines, whereas a minimum building setback of 6.0 m (19.69 ft.) is required (Section 18(3)(ivc)(a), 18(3)(ivd) and 18(3)(ive)(b)); and,
- v) a sign and gasoline pump would be located 6.0 m (19.69 ft.) from a street line, whereas a minimum 12.0 m (39.37 ft.) setback is required (Section 18.(3)(ivc)(e) and 18.(ive)(c)).

In view of the above, it is not compatible with existing land uses in the surrounding area which includes single-family and semi-detached dwellings.

4. From a land use perspective, discontinuance of the legal non-conforming auto body repair shop is desirable. Therefore, it would be appropriate to support a modification in zoning to permit the redevelopment of the front portion of the site occupied by the existing auto body shop for neighbourhood commercial uses such as:

- o a barber shop or hairdressing establishment;
- o a bank;
- o a dry cleaning establishment;
- o a neighbourhood convenience store; or,
- o a business, professional person or medical office.

The rear 24.384 m (80.0 ft.) of the site should be appropriately rezoned to "C" (Urban Protected Residential, etc.) District and developed for single-family dwelling in conjunction with the Sherman Oaks Phase 4 draft plan of subdivision.

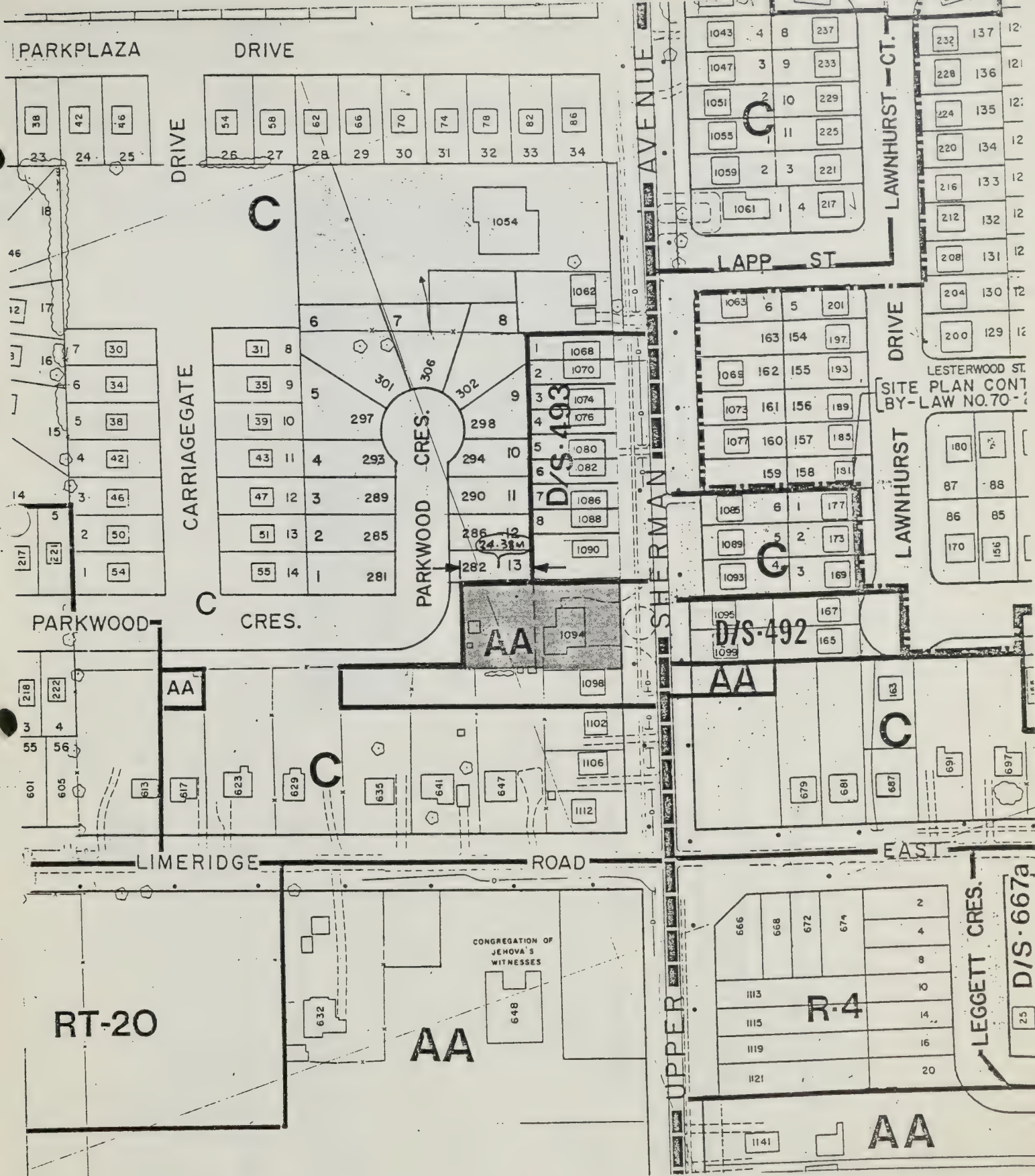
Should the applicant wish to proceed with redevelopment of the site for neighbourhood commercial uses, a revised zoning application should be submitted.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

GAW/jd

WP DOC 0420P



is 10312 No. 10 North
Property Line

Exist 12" Ø SANITARY SEWER

EXIST STORM MAIN
CONC. 12" Ø
INVERT 620.6
INVERT 628.0

Exist 15" Ø STORM SEWER

UPPER SHERMAN AVENUE

Exist WATERMAIN

Connect to
existing
storm sewer

1.0%

CONCRETE STORM SEWER

WELL BOX



N 70° 36' 15" W 183'

EXISTING 6" CHOKING FENCING

VAC

VAC



EXISTING 6" CHOKING FENCING

N 17° 59' 15" E 100'

PROPOSED 8" PVC OR 28" PIPE TO GUT & GREASE INTERCEPTOR

PROPOSED 6-BAY CAR WASH

N 70° 36' 15" W 183'

EXISTING 3" POST & RAIL FENCING

12.

F O R A C T I O N

TO Planning and Development Committee
FROM Planning and Development Department

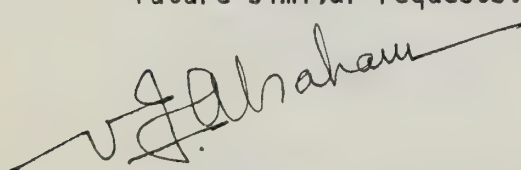
DATE October 6, 1987Refer to File No. ZA-86-93
AINSLIE WOOD
NEIGHBOURHOODRefer to V. J. AbrahamSUBJECT

Request for a change in zoning from "A" (Conservation, Open Space, Park and Recreation) District to "H" (Community Shopping and Commercial, etc.) District, modified, for the property located on the west side of Ewen Road, in the area south of Main Street West. The purpose of the proposed modification is to permit the development of the subject lands for a 3 storey, 2,900 m² (31,216.36 sq.ft.) medical centre.

RECOMMENDATION

That Zoning Application ZA-86-93, Subhash Dighe, owner, requesting a change in zoning from "A" (Conservation, Open Space, Park and Recreation) District to "H" (Community Shopping and Commercial, etc.) District, modified, to permit the development of the subject lands for a 3 storey, 2,900 m² (31,216.36 sq.ft.) medical centre, for the property located on the west side of Ewen Road, in the area south of Main Street West as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:

- a) It requires major variances to the front, rear, side yards, parking and loading spaces and access to the subject lands. Accordingly, the proposed development represents an over intensification of land use.
- b) The proposed use requires 123 on-site parking spaces in accordance with By-law No. 6593. The applicant intends to provide only 20 on site spaces and 49 off-site spaces under a lease arrangement with Ontario Hydro.
- c) The proposed leased parking arrangement on the adjacent hydro corridor is unacceptable. Leases are unenforcable since they may be cancelled by one or both parties at any time. The elimination of a large number of the required parking spaces would create overflow parking onto adjacent streets. In addition, approval of a lease arrangement for required on-site parking located off-site will set an undesirable precedent for future similar requests.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

APPLICANT

Subhash Dighe, owner

LOT SIZE AND AREA

An irregularly shaped lot with:

- o 72.33 m (237.3 ft.) of lot frontage on Ewen Road;
- o 9.795 m (32.14 ft.) to 21.51 m (70.57 ft.) of lot depth;
- o 1,098.5 m² (11,824.5 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"A" (Conservation, Open Space, Park and Recreation) District
<u>Surrounding Lands</u>		
to the north and the west	vacant	"A" (Conservation, Open Space, Park and Recreation) District
to the south	TH&B Railway Track, DARTS office	"M-14" (Prestige Industrial) District
to the east	industry	"J" (Light and Limited, Heavy Industry) District

OFFICIAL PLAN

The subject lands are designated "Utilities" on Schedule "A".

However, according to Policy D.8.2, the land use designations on Schedule "A" are intended to be general and not to define exact limits of any land use or policy. Minor adjustments may be made to the boundaries in the Zoning By-law without necessity of further amendment to the Official Plan. On this basis, a minor adjustment to the "Industrial" designation to the east is permitted.

Based on the foregoing, the proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated "Utilities" in the approved Anslie Wood Neighbourhood Plan. A redesignation from "Utilities" to "Commercial" is required to permit the proposal.

BACKGROUND

The owner intends to construct a 3 storey medical office with approximately 2,900 m² (which includes the 576 m² for a parking garage).

The proposed use requires 123 parking spaces, whereas the applicant intends to provide 69, a shortfall of 54 spaces or 44%.

In addition, he intends to provide only 20 spaces on site (within the building) and the remaining 49 on the Ontario Hydro corridor to the west under a long term lease arrangement.

COMMENTS RECEIVED

- o The Building Department has advised that several variances are required (see attached letter).

- o The Hamilton-Wentworth Engineering Department has advised in part that:

"According to our records, the existing road allowance width of Ewen Road is 15.24 m (50 feet). We do not anticipate any further road allowance widenings at this time.

Since the road allowance width of Ewen Road is 15.24 m, it is imperative that sufficient sight distances and building setbacks be maintained at the access points.

No building, pillars or vegetation higher than 0.80 m should be placed in this area. Comments from the T. H. & B. Railway should be considered since the subject lands abut their railway line.

It appears that the majority of the parking and maneuvering, etc., is to be on lands owned by Ontario Hydro." (See attached letter for full comments.)

- o The Traffic Department has advised that:

"The preliminary plans submitted with the application indicates a total gross floor area of 2,900 m² of which 576 m² is parking area. The required parking for the remaining floor area proposed as medical offices is 123 spaces.

The total parking to be provided, 69 spaces, would require a variance to the by-law to reduce the required parking by more than 40 per cent which is unacceptable.

In addition to the significant deficiency in parking, the driveway width is substandard, no loading space is shown on the plan and the only vehicular access to the parking provided on the subject lands is over the lands of others.

In summary, we consider the proposed use, as shown on the submitted plan, to be an overintensification of the subject lands which cannot be supported."

- o The Hamilton Region Conservation Authority has no objections.
- o The T. H. & B. Railway did not comment.

COMMENTS

- 1) The proposal complies with the Official Plan.
- 2) The proposal does not comply with the approved Ainslie Wood Neighbourhood Plan.
- 3) The proposal cannot be supported for the following reasons:
 - a) It requires major variances to the front, rear and side yards, parking and loading spaces and access to the subject lands.

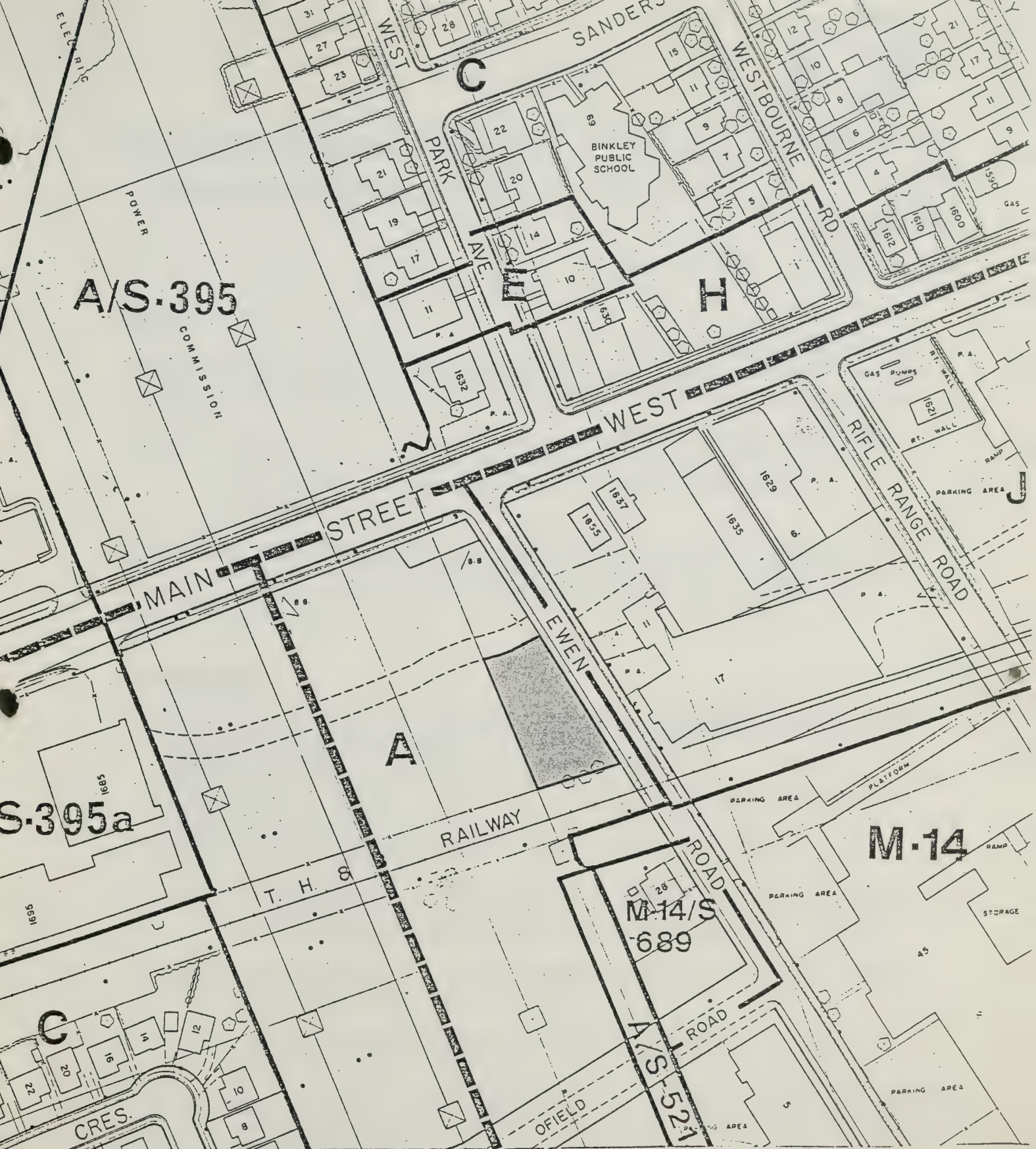
	<u>Required Under By-Law No. 6593</u>	<u>Proposed by Applicant</u>
front yard	12 m	0.6 m
rear yard	4.5 m	0 m
side yard	4.5 m	0.6 m (south side) 0.7 m (north side)
parking spaces	123	69
loading spaces	2	0

Accordingly, the proposed development represents an overintensification of land use.

- b) The proposed use requires 123 on-site parking spaces in accordance with By-law No. 6593. The applicant intends to provide only 20 on site spaces and 49 off-site spaces under a lease arrangement with Ontario Hydro.
- c) The proposed leased parking arrangement on the adjacent hydro corridor is unacceptable. Leases are unenforcable since they may be cancelled by one or both parties at any time. The elimination of a large number of the required parking spaces would create overflow parking onto adjacent streets. In addition, approval of a lease arrangement for required on-site parking located off-site will set an undesirable precedent for future similar requests.
- d) The ingress/egress to the proposed parking garage (which is within the existing building) is also located on the Hydro lands. If the lease arrangement is terminated, then access to the proposed parking garage is eliminated.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.



LEGEND

 SITE OF THE APPLICATION



FOR ACTION

13

FROM Planning and Development Department

DATE September 28, 1987

TO Planning and Development Committee

Refer to File No. ZA-87-75
BUTLER
NEIGHBOURHOOD

Attention of V. J. Abraham

SUBJECT

Amended Application for a change in zoning of lands located on the east side of Upper Wentworth Street between Stone Church Road East and Rymal Road East, as shown on the attached map marked as APPENDIX "B" on the following basis:

- Block 1 - Change from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District modified, to "RT-20" (Townhouse and Maisonette) District to permit a townhouse development.
- Block 2 - To retain the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District, modified to exclude townhouses, but to permit zero lot line single-family dwellings.

RECOMMENDATION

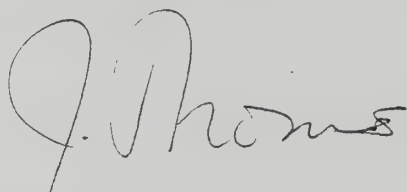
1. That approval be given to an amended Zoning Application ZA-87-75, Lousan Developments Limited, owner, for a change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District, modified to exclude townhouse development, to "RT-20" (Townhouse and Maisonette) District for lands on the east side of Upper Wentworth Street between Stone Church Road East and Rymal Road East, as shown on the attached map marked as APPENDIX "A" on the following basis:
 - i) That the lands described as Block 1 be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "RT-20" (Townhouse and Maisonette) District;
 - ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27D;
 - iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
 - iv) That the Butler Neighbourhood Plan be amended by redesignating Block 1 from "Single and Double" residential to an "Attached Housing" land use designation.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwelling, Townhouses, etc.) District to "RT-20" (Townhouse and maisonette) District for property located on the east side of Upper Wentworth Street between Stone Church Road East and Rymal Road East as shown on the attached map marked as APPENDIX "B".

The effect of the By-Law is to permit future townhouse development on the lands described as Block "1" on the attached map marked as APPENDIX "B".


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thomas, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Lousan Developments Ltd., owner

LOT SIZE AND AREA

- 99.161 m (325.33 ft.) of lot frontage on Upper Wentworth Street;
- 103.572 (339.80 ft.) of lot depth; and,
- 10,269.9 m² (110.548 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"D" (Urban Protected Residential, One and Two Family Dwellings, Townhouses, etc.) District, modified, to exclude townhouse development and permit zero lot single-family dwellings
<u>Surrounding Lands</u>		
to the north	vacant lands	"AA" (Agricultural) District
to the south	vacant lands	"AA" (Agricultural) District
to the east	vacant lands	"D" (Urban Protected Residential, One and Two Family Dwellings, Townhouses, etc.) District, modified to exclude townhouse development and permit zero lot line single-family dwellings
to the west	vacant lands	"G-1" (Designed Shopping Centre, etc.) District "C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential use on the approved Butler Neighbourhood Plan, the proposal would require an amendment to the approved Butler Neighbourhood Plan to redesignate the subject lands from "Single and Double" to an "Attached Housing" land use designation.

BACKGROUND

By-law 78-269

The subject lands were rezoned from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, modified, in accordance with By-law No. 78-269 passed by City Council October 10, 1978. The "D" District modification excluded townhouse development and permitted zero-lot line single family development on lots having a lot width of at least 30 feet and an area of at least 3,000 square feet, which was requested by the developer at that time.

By-law 81-241

On August 25, 1981 City Council passed By-law 81-241 to amend a textual error on Schedule "A" of By-law No. 78-269.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Hamilton Regional Conservation Authority, and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.

- The Hamilton Wentworth Engineering Department has advised that:

"Public watermains as well as storm and sanitary sewers are available to service the subject lands.

The designated road allowance width of Upper Wentworth is 36.58 m (120 ft.). As a condition of development approval, we recommend that sufficient lands be dedicated to the Region to establish the property line 18.29 m (60 ft.) from the centre line of the original Upper Wentworth Street road allowance.

According to the approved Butler Neighbourhood plan there is a mid-block collector street proposed with additional neighbourhood streets behind the lands to be re-zoned. We recommend, as a condition of re-zoning approval, that the applicant/owner enter into the appropriate agreements with the City and Region to provide for the dedication and establishment of the mid-block collector street, as well as the recovery of appropriate municipal servicing costs.

We also require that the centre line of the mid-block collector street align centre line to centre line with the mid-block collector on the draft approved Wellington Chase plan of subdivision. Furthermore, the north-south neighbourhood street on the east limits of the lands to be re-zoned must align with proposed limits of Acadia Drive as shown on Ridgeview Estates - Phase 2.

These matters can be dealt with through Subdivision process providing the buildings can not be built before the registration of a plan of subdivision."

COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal would involve an amendment to the approved Butler Neighbourhood Plan to redesignate the subject lands from "Single and Double" residential to an "Attached Housing" designation.
3. Subsequent to circularization of the application, the proponent has decided to amend the application on the following basis:
 - Block "1" - smaller townhouse development under the provision of the "RT-20" Zoning District; and,
 - Block "2" - to retain the zero lot line single-family dwellings under the provision of the "D" Zoning District, modified.
4. The amended application would be more compatible with the proposed land use to the north and south of the subject lands and reflects the type of land uses contemplated on the previously approved Butler Neighbourhood Plan.
5. The amended application has merit and can be supported for the following reasons:
 - The site in question is situated at the intersection of a major arterial road (Upper Wentworth Street) and a proposed neighbourhood entrance road.
 - The subject lands were, in part, previously designated for "Attached Housing" and given that the adjoining lands to the north and south fronting onto Upper Wentworth Street are currently designated for "Attached Housing" development on the approved Butler Neighbourhood Plan, the amended applications would be compatible with future intended land use.

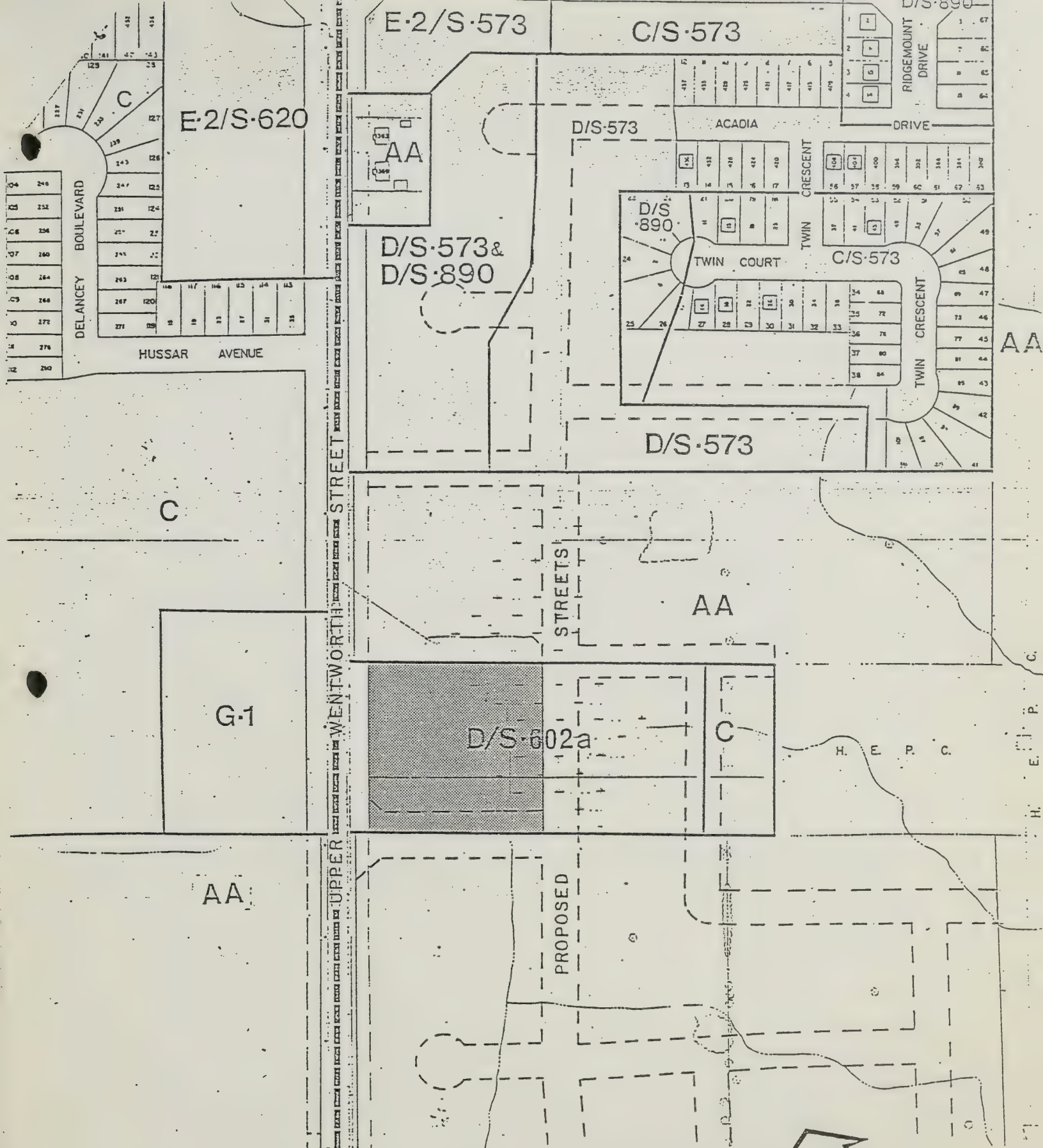
6. With regard to the "RT-20" (Townhouse and Maisonette) District requested, on the basis of a neighbourhood density calculation of 30 units per gross hectare/12 units per gross acre, a maximum of 24 dwelling units would be permitted on the lands described as Block 1 on APPENDIX "B".
7. Development of the lands under the "RT-20" (Townhouse - Maisonette) District would be subject to the provisions of Site Plan Control By-law 79-275 requiring the proponent of such development to have site plans approved by the Planning and Development Committee prior to the issuance of a building permit.
8. With regard to the comments of the Hamilton-Wentworth Engineering Department concerning road widenings, recovery of costs and agreements with the City and the Region, these matters will be addressed at the site plan approval stage of development.

CONCLUSION

On the basis of the foregoing approval can be given to the amended application to permit a townhouse development on a smaller site as per the type of land use proposed by the approved Butler Neighbourhood Plan for adjoining lands to the north and south of the site in question. This would also implement the intent of development on the originally approved Butler Neighbourhood Plan (June 1973).

G.A.W./nd

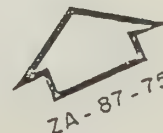
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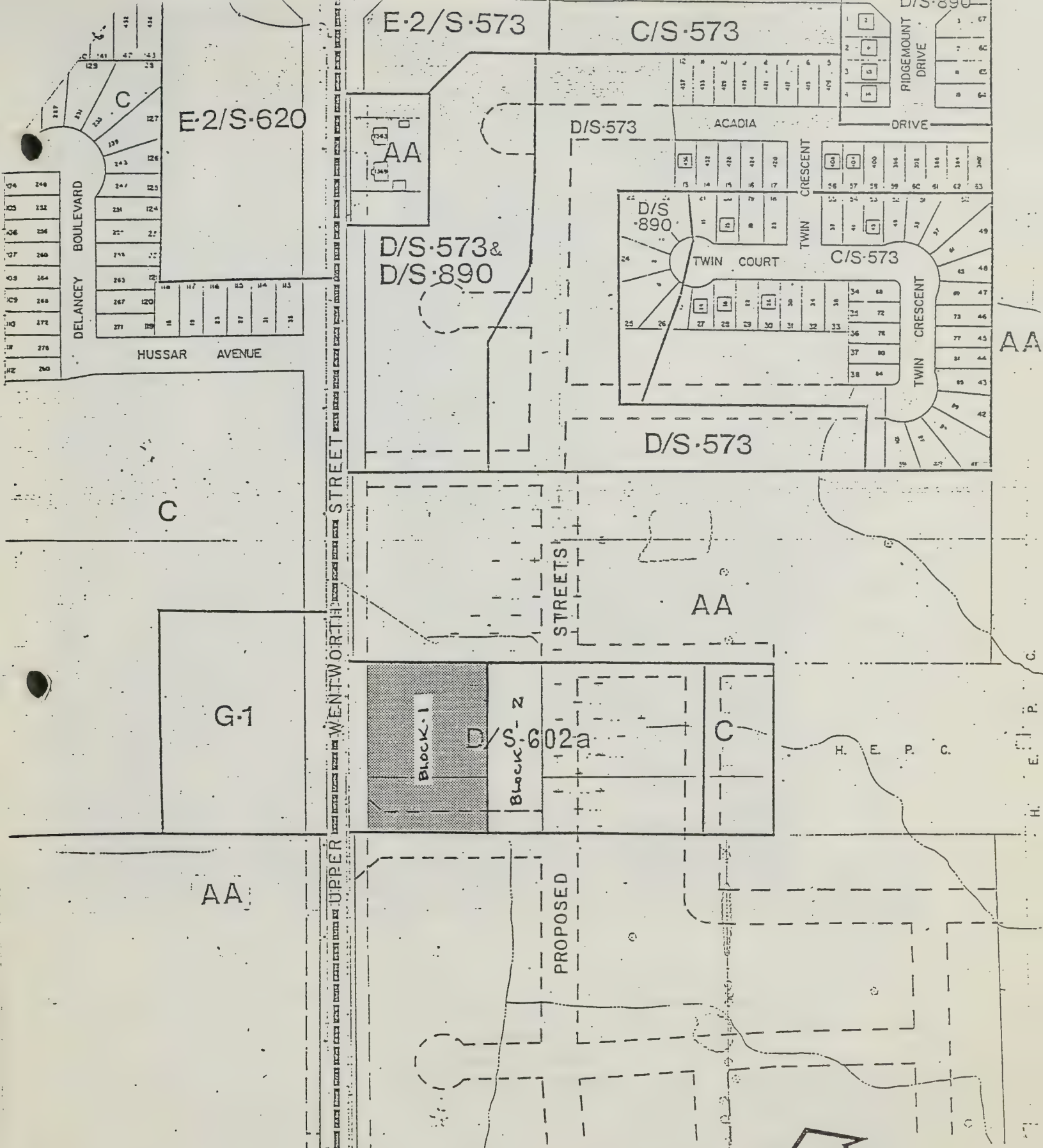


LEGEND



SITE OF THE APPLICATION
as circulated





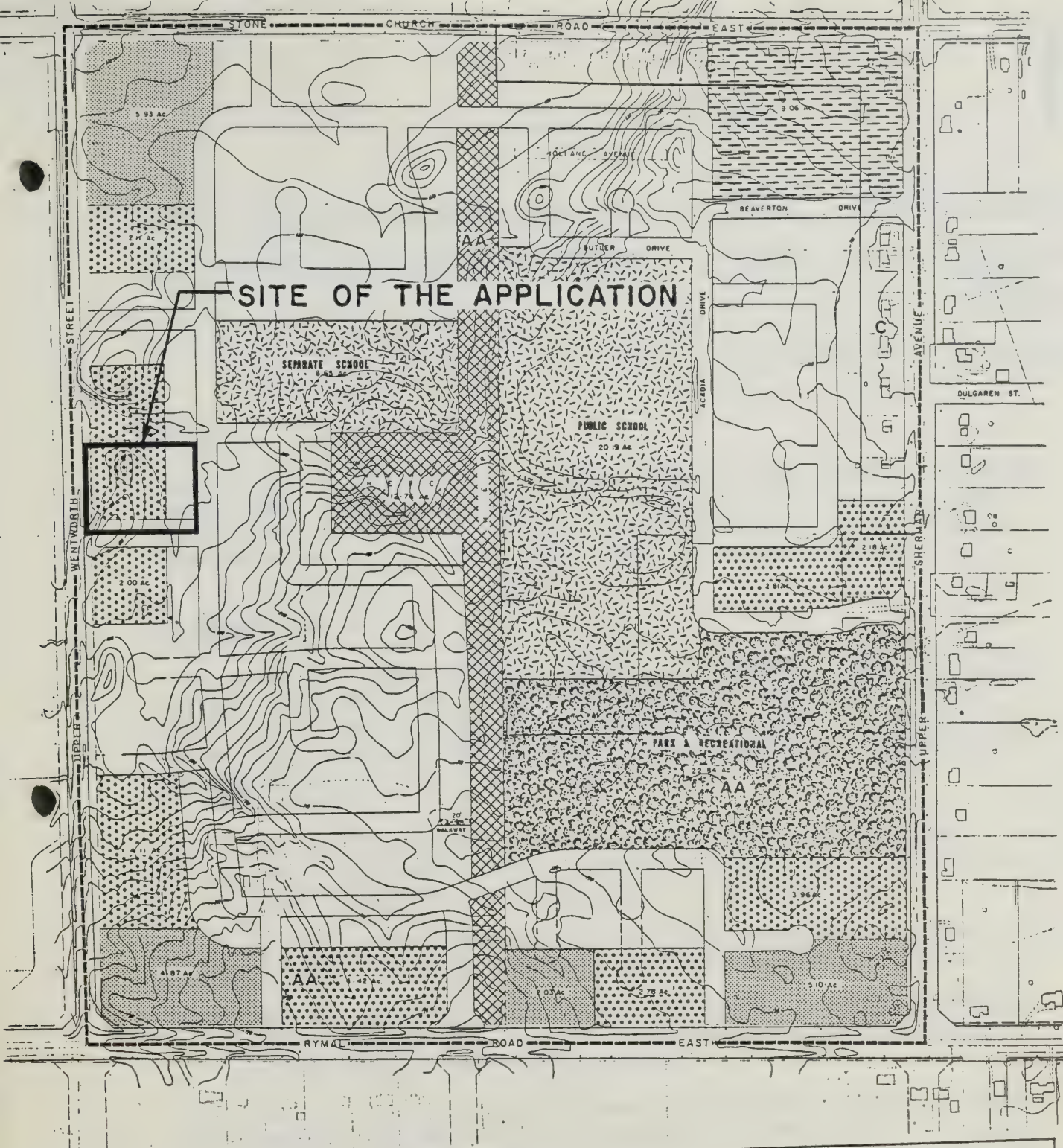
LEGEND



Site of the Application
as Amended




- Block 1 - ("RT-20", Townhouse & Maisonette)
- Block 2 - ("D" Modified, Small Lot Single Family Dwellings)










LAND USE

RESIDENTIAL

-  single & double
-  attached housing
-  low density apts.

-  CIVIC & INSTITUTIONAL
-  PARK & RECREATIONAL

-  UTILITIES
-  MULTICENTRE

-  Neighbourhood Boundary
-  Zoning Boundary
-  Staging of Development Boundary

Approvals
Planning Bd. APRIL 28/76 Council JUNE 29/76

Revisions	
1	Initial Plan
2	Revised Plan
3	Final Plan

CITY OF HAMILTON
PLANNING DEPARTMENT

BUTLER
PROPOSED PLAN



SCALE IN FEET
0 50 100 200

APPENDIX C

14.

F O R A C T I O N

FROM Planning and Development Department

DATE September 29, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-98
GILKSON
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District provisions for the property located at No. 1300 Garth Street. The purpose of the proposed modification is to permit a veterinarian clinic to locate within the existing commercial plaza.

RECOMMENDATION

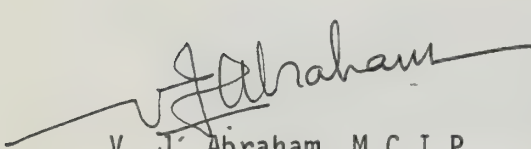
That approval be given to Zoning Application ZA-87-98, Ardor Investments Limited, owner for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District, to permit a veterinarian clinic to locate within the existing commercial plaza, for the property located at No. 1300 Garth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 applicable to the subject lands be modified to include the following variance:
 - a) That notwithstanding Section 13(1), a veterinarian clinic shall be permitted within the existing commercial plaza.
- ii) That the amending By-law be added to Section 13 of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map W-27D be noted S - ;
- iii) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-27D;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.


EXPLANATORY NOTE

The purpose of this By-law is to provide for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District for the property located at No. 1300 Garth Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a veterinarian clinic to locate within the existing commercial plaza.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Ardor Investments Ltd., owner.

LOT SIZE AND AREA

- o 59.45 m (195.05 ft.) of lot frontage on Garth Street;
- o 80.44 m (263.9 ft.) of lot depth; and
- o 4,896.57 m² (52,708 sq. ft.) of lot area

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>SUBJECT LANDS</u>	Commercial Plaza	"G" (Neighbourhood Shopping Centre, etc.) District
<u>SURROUNDING LANDS</u>		
To the north and south	Row Housing	"DE" (Low Density Multiple Dwellings) District
To the east	Two Family Dwellings	"C" (Urban Protected Residential) District
To the west	Two Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN

The subject lands are designated "Commercial" on Schedule "A". In addition, the lands also are located within Special Policy Area 22 on Schedule B-2 - Other Special Policy Areas which identifies the location of Neighbourhood Shopping Centers. As such, the proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial" in the approved Gilksón Neighbourhood Plan. The proposal complies with the Approved Neighbourhood Plan.

COMMENTS RECEIVED

- o The Building Department has advised that:
"The proposed use is not a permitted use."
- o The Local Architectural Conservation Advisory Committee, Department of Health Services, Hamilton Region Conservation Authority and the Traffic Department have no comments and/or objections.
- o The Hamilton-Wentworth Engineering Department has advised that:
"public watermains, as well as separate storm and sanitary sewers are available to service the subject lands;

all widenings and the daylight triangle have previously been acquired;

no further road allowance widenings are anticipated; and that

any work within the adjacent road allowances must conform to the respective Streets By-laws."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal would not conflict with the intent of the approved Gilksón Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - a) It would be compatible with the existing commercial uses in the existing plaza;

FROM: Planning and Development Department

DATE: September 30, 1987

TO: Planning and Development Committee

Refer to File No. ZA-87-99

RYMAL
NEIGHBOURHOOD

SUBJECT

Request for a modification to the "M-14" (Prestige Industrial) District for the property located at No. 1198 Stone Church Road East. The purpose of the proposed modification is to permit, in addition to the "M-14 Uses", a general automobile repair garage.

RECOMMENDATION

That approval be given to Zoning Application 87-99, 496091 Ontario Ltd. (P. Tigani and G. H. Silcox), owners, requesting a modification to the "M-14" (Prestige Industrial) District, to permit, in addition to the existing "M-14" uses, a general automobile repair garage, for the property located at No. 1198 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "M-14" (Prestige Industrial) District regulations as contained in Section 17F of Zoning By-law No. 6593 be modified to include the following variance as a special requirement:

a) Notwithstanding Section 17F(i) of Zoning By-law No. 6593, the following additional commercial use shall be permitted.

Commercial Use

Identification No.

General Repair Garage

6351

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-59C be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59C;


iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the "M-14" (Prestige Industrial) District for the property located at No. 1198 Stone Church Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit, in addition to the existing "M-14" uses, a general automobile repair garage.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

APPLICANT

496091 Ontario Inc. (P. Tigani and G. H. Silcox), owners.

LOT SIZE AND AREA

- o 30.48 m (100 ft) of lot frontage;
- o 132.59 m (435 ft) of lot depth; and
- o 4,041.15 m² (43,500 sq ft) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	stereo, sales and service	"M-14" (Prestige Industrial) District
<u>Surrounding Lands</u>		
To the north	Roller skating rink, fire training station	"M-13" (Prestige Industrial) District
To the south	Vacant	"M-14" (Prestige Industrial) District
To the east	Vacant	"M-14" (Prestige Industrial) District
To the west	Single, family dwelling, commercial, industrial	"M-14" (Prestige Industrial) District

OFFICIAL PLAN

The subject lands are designated "Industrial" on Schedule "A". Uses which complement and do not interfere with, or detract from, the primary function of the area permitted. In addition, the lands are located within Special Policy Area #11 - Light Industrial Uses. As such, the proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Restricted Industrial" in the approved Mountain Industrial Neighbourhood Plan. The proposal does not conflict with the intent of the Plan.

ECONOMIC FACTORS

The applicant has advised the cost of the project (construction of a new building, etc.) will be between \$101,000 and \$500,000. Approximately 6-10 mechanical jobs will be created.

COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority Building Department and Traffic Department have no comments or objections.
- o The Hamilton-Wentworth Engineering Department has advised in part that:
"The designated road allowance width of Stone Church Road East is 30.40 m (100 feet). We recommend, as a condition of development approval, that sufficient lands, shown as Parts 21 and 23, be dedicated to the Region for road widening purposes." (See attached letter for full comments.)

COMMENTS

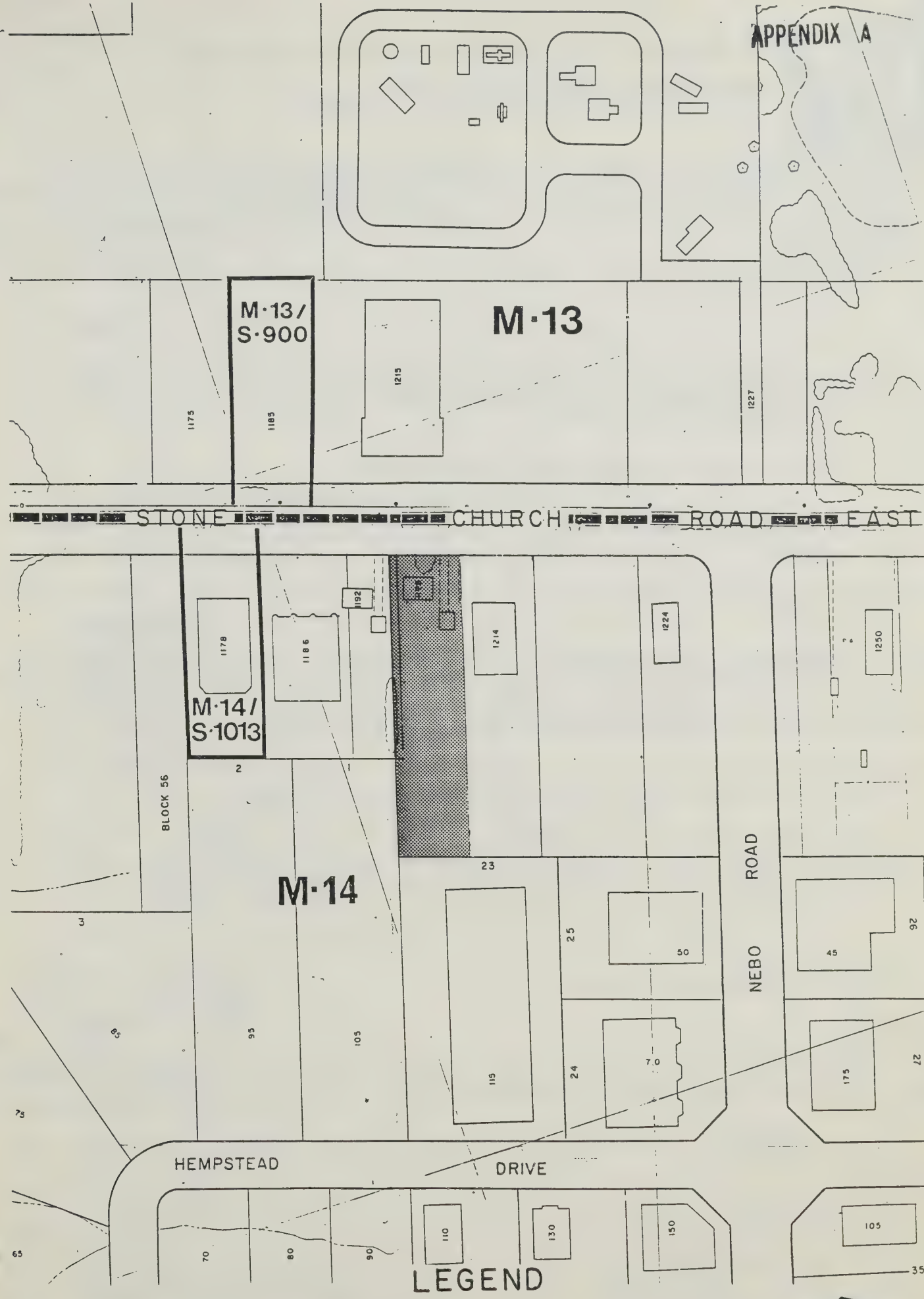
- 1) The proposal complies with the Official Plan.
- 2) The proposal does not conflict with the intent of the approved Mountain Industrial Neighbourhood Plan.
- 3) The proposal merits consideration for the following reasons:
 - a) it is located on a major arterial road; and,
 - b) it is compatible with the surrounding land uses including commercial to the north and west and industrial to the west.

- 4) Under the "M-14" District provisions, the lands are subject to Site Plan Control By-Law 79-275. Matters such as parking, landscaping, access will be reviewed during the site plan approval process.

CONCLUSION

Based on the foregoing, the proposal can be supported.

JH/dkp



SITE OF THE APPLICATION

TO	STAFF UNIT	INFO.	ACT.
DIR.			
SEC.			
DEV.			
CONF.			
CART.			
ADMIN.			

F O R A C T I O N

17.

FROM Planning and Development Department

DATE September 22, 1987

TO Planning and Development Committee

Refer to File No. ZA-87-81
KENNEDY
NEIGHBOURHOOD

SUBJECT

Request for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property at No. 165 Rymal Road West, as shown on the attached map. The purpose of the proposed change in zoning is to:

- establish the appropriate residential zoning for the existing single-family dwelling, fronting on Rymal Road West, and;
- permit future single-family dwelling development for the rear part of the subject property.

RECOMMENDATION

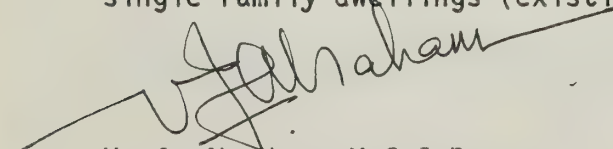
That approval be given to Zoning Application ZA-87-81, W. D. Mattina and M. J. Ferracuti, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property at No. 165 Rymal Road West, as shown on the attached map marked as APPENDIX "A", on the following basis:

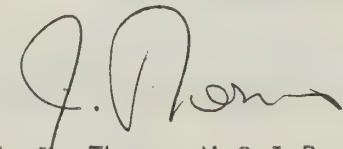
- i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at No. 165 Rymal Road West.

The effect of the By-law is to establish the appropriate zoning for single-family dwellings (existing and proposed).


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANTS

W. D. Mattina and M. J. Ferracuti, owners

LOT SIZE AND AREA

- 30.48 m (100.0 ft.) of lot frontage on Rymal Road West;
- 127.10 m (417.0 ft.) of lot depth;
- 3,873.9 m² (41,700 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single-family dwelling	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"AA" (Agricultural) District
to the south	vacant lands	"AA" (Agricultural) District
to the east	single-family dwellings and a cemetery	"AA" (Agricultural) District, "C" (Urban Protected Residential, etc.) District and "B" (Suburban Agriculture and Residential, etc.) District
to the west	single-family dwelling	Currently zoned "AA" (Agricultural) District, but recently rezoned to "B" (Suburban Agriculture and Residential, etc.) District (By-law subject to approval by City Council)

OFFICIAL PLAN

Designated "Residential", the proposal complied.

NEIGHBOURHOOD PLAN

Designated for "Single and Double" residential use on the approved Kennedy East Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

- The Building Department, Traffic Department, Local Architectural Conservation Advisory Committee Staff, Niagara Peninsula and Hamilton Region Conservation Authorities have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains are available to service the subject lands. Storm and sanitary sewers are presently under construction and will be available in the near future.

The designated road allowance width of Rymal Road is 36 m (118.11 ft.) The applicants should be advised of a future road allowance widening to establish this designation.

Any work within the adjacent road allowances must conform to the respective streets By-laws.

It appears from the information submitted, that the applicant will try to develop the rear lands in conjunction with the proposed extension of Kennedy Avenue. There are a number of concerns with lot frontages and access to the rear of the lands which should be resolved before development, but need not be resolved before rezoning."

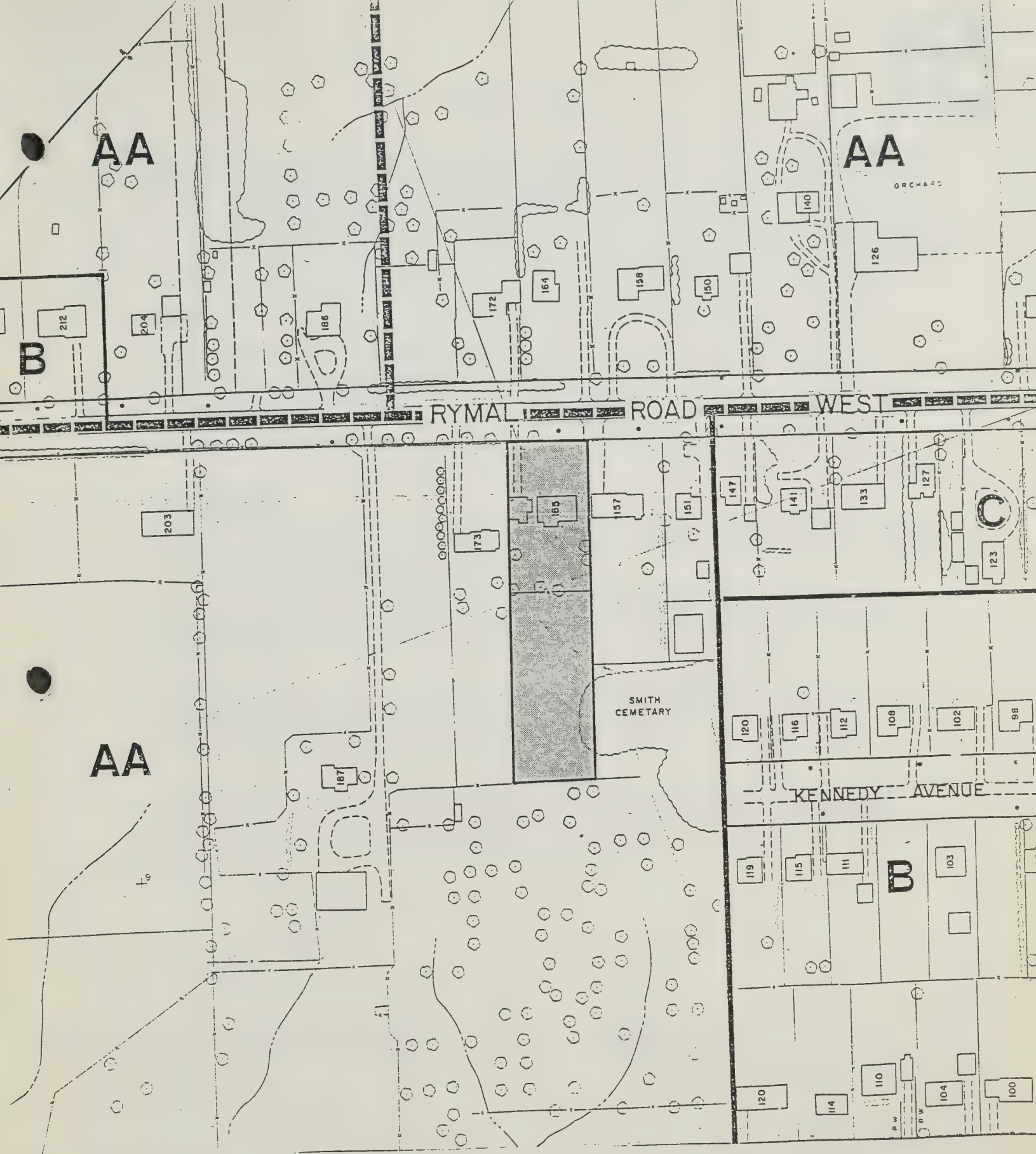
COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal complies with the intent of the approved Kennedy East Neighbourhood Plan.
3. The proposal has merit and can be supported because it would be compatible with existing and proposed development in this area comprised of single-family dwellings.
4. Development of the rear portion of the site is contingent upon development of adjoining lands to the west and will be further regulated in accordance with a draft plan of subdivision or land severance through the Regional Land Division Committee.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/jd
WP 0420P



LEGEND

 SITE OF THE APPLICATION


ZA-87-81

F O R A C T I O N

18.

FROM: Planning and Development Department

DATE: October 7, 1987

TO: Planning and Development Committee

File No.: P5-2-105

Attention Of: V. J. Abraham

SUBJECT

Draft Official Plan Amendment No. 12.

Draft Zoning By-law 84-46

Normanhurst Neighbourhood

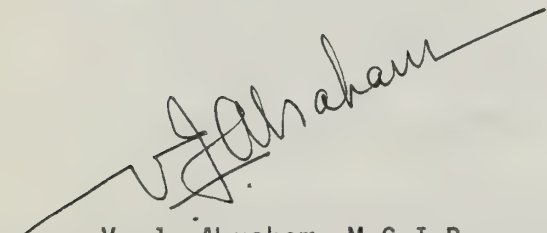
RECOMMENDATION

Although sound planning practice dictates that certain industrial uses should be prohibited near residential areas;

WHEREAS the results of the Ontario Municipal Board denied the Keith Buffer rezoning making such an approach inappropriate in the Normanhurst Neighbourhood;

AND WHEREAS the Business Land Use Advisory Board recommends that the Keith Buffer rezoning approach not be applied to the Normanhurst Neighbourhood and that the industrial properties revert to the original "K" (Heavy Industry, etc.) District;

NOW THEREFORE the original "K" (Heavy Industry, etc.) District should be reintroduced for the affected industrial properties in the Normanhurst Neighbourhood, as shown on Schedule A, and Section 1, 4 and 5 of By-Law 84-46 be rescinded.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The proposed Official Plan Amendment and the proposed zoning amendments implementing the Normanhurst Neighbourhood Plan were held in abeyance until the Cabinet decision was made on the Keith Buffer which is a similar proposal to Normanhurst industrial rezoning. Cabinet has now made the decision not to consider the appeal and, therefore, the O.M.B. decision denying the rezoning still stands. Although the Zoning By-law Amendment proposal dealt with a number of rezonings, only those amendments dealing with the industrial properties are subject to review.

The recommendations have been brought forward after a series of meetings with the Business Land Use Advisory Board which included discussions with representatives of the affected industries.

BACKGROUND

By-law 84-46 and Official Plan Amendment 12 implements the Normanhurst Neighbourhood Plan. The Zoning By-law provides for the rezoning of certain industrial properties from the "K" (Heavy Industry, etc.) District to "J" (Light and Heavy Industry, etc.) District. In addition, the By-law and Official Plan Amendment provide for other zoning and land use changes. These additional changes are not addressed in this study, rather, the study addresses only the industrial rezonings.

The following is a chronology of events leading up to the present:

- o City Council adopted a Neighbourhood Plan for Normanhurst on December 13, 1983, which included citizen participation (see Map 1).
- o On January 10, 1984 Council adopted Official Plan Amendment 12 (see Map 1 and Appendix 2) and By-law 84-46 (see Map 2 and Appendix 3) to implement the Neighbourhood Plan. The By-law proposed a change in zoning from "K" (Heavy Industry, etc.) District to "J" (Light and Limited Heavy Industry, etc.) District for properties owned by H. H. Robertson, Parkdale Auto Wrecking, Coca Cola and Union Gas. This zoning change eliminated 46 incompatible industrial uses from the subject area (see Normanhurst Industrial Rezoning Map in Appendix 7). Appendix 3 shows the uses eliminated.
- o An objection to the Official Plan Amendment was received from H. H. Robertson Inc., 441 Parkdale North. In addition, H. H. Robertson objected to the By-law 84-46 which rezoned those lands from "K" to "J". It should be noted that other objections to the Zoning By-law were submitted, however, these do not affect the industrial re-zoning and, therefore, are not relevant to this review.
- o On February 27, 1985 the Planning and Development Committee requested that the Ontario Municipal Board hold the Official Plan Amendment and Zoning By-law Amendment in abeyance until the outcome of the Keith Zoning Buffer hearing was resolved. The decisions on the Keith Zoning Buffer had bearing on the Normanhurst rezoning.

- o Council at its meeting of September 25, 1985 decided not to appeal the OMB decision for the Keith zoning buffer. The OMB decision denied the Keith rezoning and Official Plan Amendment (Appendix 4). See Appendix 5 for a response to the O.M.B. decision.
- o The North Central Community Association appealed the OMB decision to Cabinet. The Cabinet decided that this Association was not entitled to appeal the decision because it was not incorporated and therefore not a legal entity. As such, the OMB decision stood.
- o The Business Land Use Advisory Board first considered the matter on December 19, 1986 (Appendix 6). After considering various options (Appendix 7) they decided that the Keith approach should be applied to Normanhurst rather than the single "K" to "J" rezoning as proposed in By-law 84-46. In addition, the Board felt existing industries should be recognized as legal conforming uses. Accordingly, in order to implement this approach a new rezoning is required and a public meeting should be held.

The Board also wanted to meet with representatives from industry before the public meeting for the rezoning.

- o The Board met with representatives from all the affected industries on April 3, 1987 (Appendix 8). The industries opposed any additional rezoning or site plan restrictions, citing that the Ministry of Environment controls through the Environmental Protection Act were sufficient, as well as, citing the OMB decision which found the Keith approach unacceptable.
- o The Board met again on April 24, 1987 to discuss the matter (Appendix 9) and recommended that the proposed Zoning By-law affecting the industry be withdrawn and the "K" heavy industrial zoning be restored. The Board was concerned that based on the decision of the OMB regarding the Keith rezoning, it would be inappropriate to undertake a similar approach in the Normanhurst Neighbourhood. It was felt that the net effect of an OMB hearing would be that considerable time and money would be spent and that negative feelings would be created in the industrial community, with little or no chance of success.

The Keith Zoning Approach

The issue of allowing industry and residential uses to co-exist compatibly has been addressed primarily through the neighbourhood planning process over the past 15 years. It is recognized that certain types of industries may be suitable to locate nearby residential uses, while other industries would not be appropriate. The policies and zoning applied next to the Keith Neighbourhood has application in the Normanhurst situation. The Keith zoning approach offered a more effective solution than the simple "K" to "J" proposal originally used in the Normanhurst rezoning. Therefore, the Keith approval should be considered.

During the Keith rezoning process it was recognized that a simple rezoning from heavy industry to general industry was not the best approach. A detailed analysis of industrial uses and their compatibility with neighbourhood uses was conducted with input from the Ministry of Environment, The Occupational Health Program at McMaster University and the Fire Department. From this analysis the Keith Buffer proposal was devised (see Appendix 10).

In the Keith rezoning, the purpose was to remove 41 uses from the heavy industrial zone, thereby preventing the establishment of possible incompatible uses in the future. The intention of removing these uses was to ensure that residents are not subject to air pollution (including dust, particulates and odour), noise pollution (including noise and vibration), fire hazards and/or health hazards.

CONCLUSIONS

A number of options for action have been considered in the Normanhurst situation including the following:

1. Support the existing By-law 84-46. In this case the "K" District Zoning would be changed to "J" District for Coca Cola, Union Gas, H. H. Robertson and the Auto Wrecking Yard, affectively eliminating 46 industrial uses from the presently permitted 490 permitted uses.
2. Delete the proposed rezonings. In this use By-law 84-46 would be rescinded and the "K" District zoning would remain on the affected industrial lands.
3. Delete the proposed industrial rezoning from the H. H. Robertson lands. In this case, the "K" District zoning would remain on the H. H. Robertson property but the zoning of the other industrial properties would be rezoned "J" from "K". This would eliminate the objections from H. H. Robertson, the only official objector to the industrial rezonings, and result in only a minimal impact on surrounding residential areas since it is this industry located the furthest from housing in the Neighbourhood.
4. Apply the Keith Buffer Zoning Concept. In this case, the "K" District zoning would be modified to eliminate 41 industrial uses from the permitted 490 uses. Existing uses would be permitted on the specific site through permitting the generic use eg. H. H. Robertson would be zoned to permit "metal products manufacturing". Site plan control would also be applied to the industrial properties.
5. Modified Keith Buffer Zoning would be applied in this case. The "K" District zoning would be modified to eliminate 33 of the most problematic and exceptionally problematic industrial uses identified during the Keith rezoning process (see Appendix 11). Appropriate changes would be supported in an Official Plan Amendment.
6. A further modified Keith Buffer zoning approach could be applied. In this case only the 21 exceptionally problematic industrial uses would be eliminated from the "K" District zoning (see Appendix 11). Appropriate changes would be incorporated by an Official Plan Amendment.

The general approach used in the Keith rezoning, has been considered for Normanhurst in a number of the options (4, 5 and 6) to ensure that industry nearby residential areas does not adversely affect the safety, health and living conditions for residents. As discussed earlier, this approach is preferable to simple "K" to "J" rezoning outlined in option 1 and 3.

Since the Normanhurst Options 4, 5 and 6 are based on the Keith approach, the Keith OMB decision is of particular importance. The decision recognizes the planning principle involved in restricting industrial uses, stating:

" . . . it is perfectly clear to the Board from the evidence that there are certain industrial operations which should not take place within the proposed buffer, or for that matter, for a substantial distance beyond such a buffer. Amongst such uses would be a Coke Oven, a Garbage Dump, a Paper Mill, and other large industrial uses listed in the proposed by-law, and the Board has no doubt that the landowners would accept the prohibition by by-law of a few of such obvious categories of use."

However, the OMB did not accept the analysis used to determine the list of prohibited uses, stating that the restrictive uses were too "broad" and could include hundreds of different uses. The decision stated:

"Perhaps this (problem) could have been overcome by the proponents of the by-laws with more consideration given to the industrial uses involved, including their component uses, in light of modern industrial techniques."

As a result of the OMB's decision to turn down the Keith rezoning and Official Plan Amendment, it appears unlikely that approval will be granted for a proposed Normanhurst industrial rezoning, which is based on the Keith approach. Additional scientific analysis must be undertaken before specific industrial uses are restricted from the appropriate zoning district in order to satisfy the OMB.

The Business Land Use Advisory Committee originally favoured the Keith Zoning approach in the Normanhurst situation, rather than the simple "K" to "J" rezoning used in By-law 84-46. However, after reviewing the results of the OMB decision for the Keith rezonings, and meeting with representatives of the affected industries the Board recommended that the zoning for the industries affected revert to "K" (Heavy Industrial, etc.) District for the following reasons:

- 1) a rezoning from "K" to "J" is not appropriate since it would not eliminate all incompatible uses. In addition, some of the affected industries would become legal-non-conforming uses, resulting in limits for physical and product expansions;
- 2) without any additional scientific analysis, the OMB decision on the Keith rezoning makes it unlikely that the same approach will be successful in Normanhurst;
- 3) the time and cost involved in a lengthy Ontario Municipal Board hearing is not warranted in this case; and,
- 4) the proposal would cause negative feelings in the industrial community.

The Department shares these concerns. However, sound planning principles dictate that certain industries that are presently permitted are not appropriate or compatible with nearby residential uses. The OMB decision also alluded to this. Although both the "K" to "J" rezonings and Keith approach are not appropriate at this time in light of the concerns, consideration could

be given to other approaches which will assist in ensuring compatible development including:

- o additional Official Plan policies which provide protection to the safety, health and living conditions of residents near industries and implemented through appropriate actions;
- o additional scientific analysis of industries to determine appropriate and inappropriate industries, as well as distance requirements given new environmental technologies being applied to industries;
- o development of appropriate emergency planning measures to ensure residents' safety in the area; and,
- o establishment of appropriate buffers between residential and industrial areas, possibly mixed/use zones.

Based on the above comments, the proposed "J" District rezoning for the affected industries should be rescinded since it does not effectively ensure compatibility between industrial and residential uses in the Normanhurst Neighbourhood. In addition, the Keith rezoning approach should not be supported at this time since it is clear that much more detailed and scientific analysis of incompatible industries is required to satisfy the OMB.

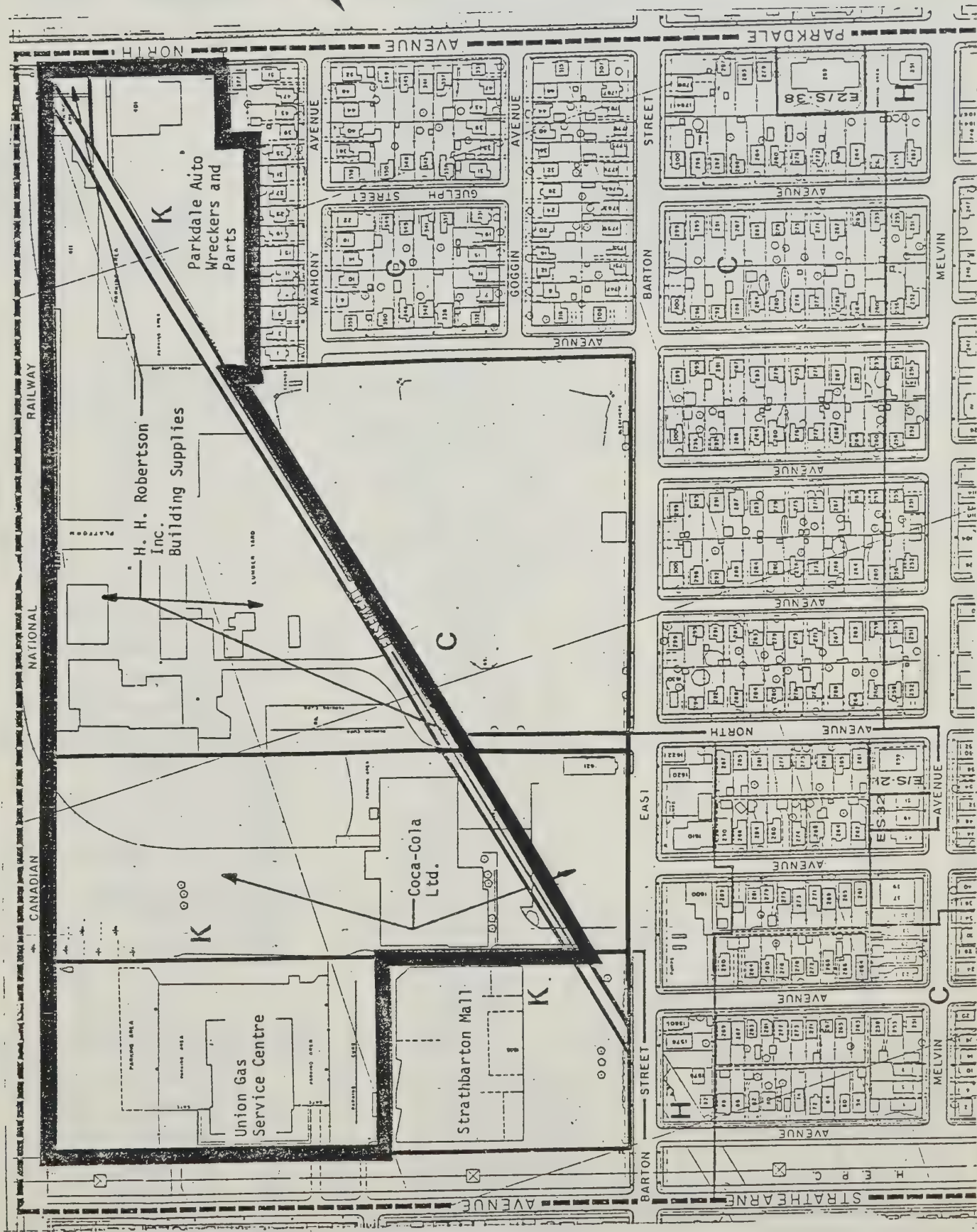
Therefore, the zoning for affected industries should revert to the original "K" zoning.

BJ/dkp

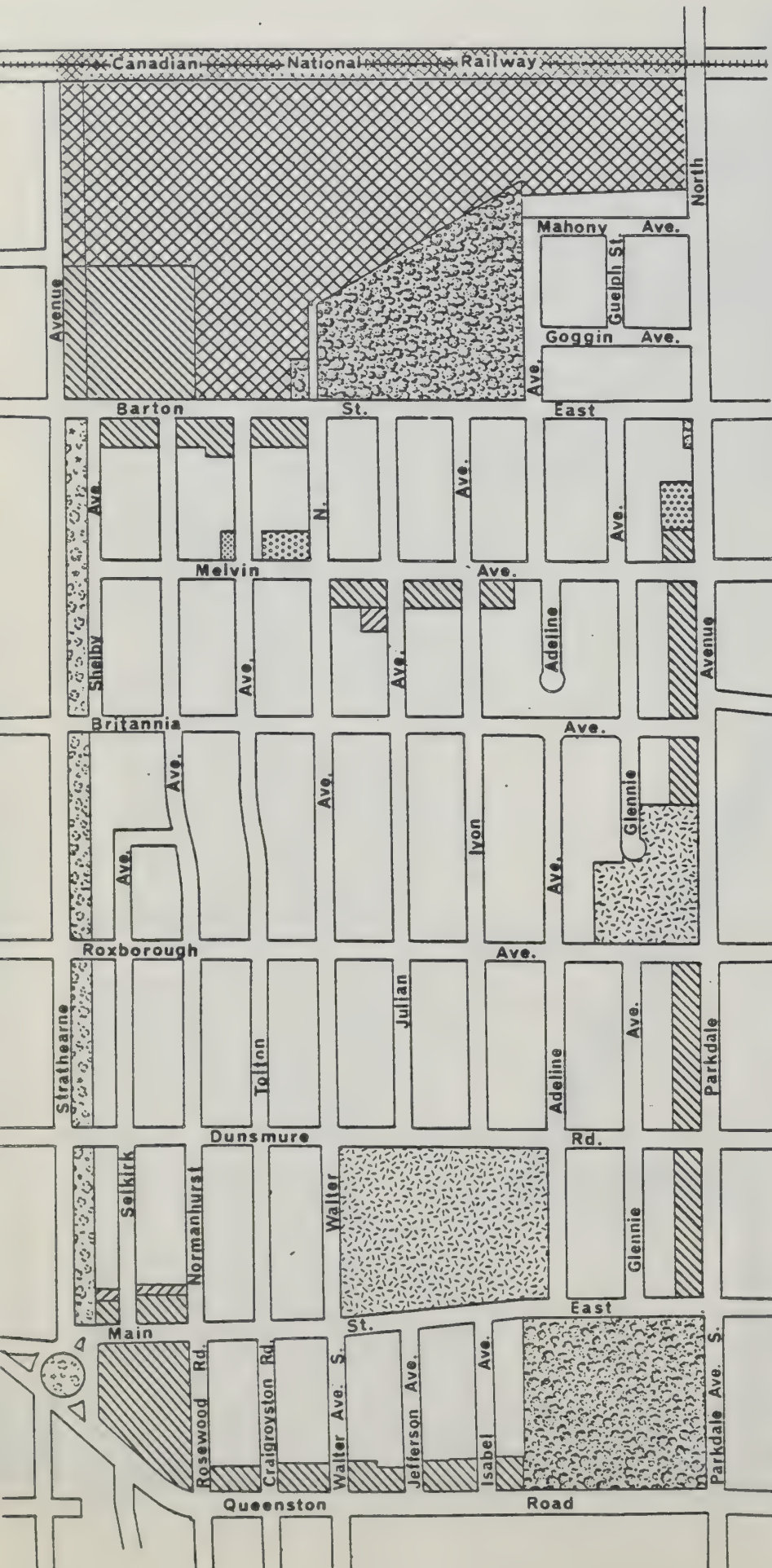
c.c. - Members of the Business Land Use Advisory Board

WP 0021P

NORMANHURST INDUSTRIAL REZONING













MAP 1



LAND USE

RESIDENTIAL

-  single & double
-  low density Apts.
-  medium density Apts.

-  COMMERCIAL
-  INDUSTRIAL (General)
-  CIVIC & INSTITUTIONAL
-  PARK & RECREATIONAL
-  OPEN SPACE
-  UTILITIES
-  COMMERCIAL PARKING

APPROVALS

PLANNING BOARD NOV. 9, 1983 COUNCIL DEC. 13, 1983

CITY OF HAMILTON NORMANHURST APPROVED PLAN



50 0 50 100

February, 1987

Planning and Development Department
Hamilton-Wentworth Region

MAP 2

Official Plan Amendments

- ① From Industrial to Commercial
- ② From Industrial to Residential
- ③ From Commercial to Residential
- ④ From Residential to Commercial
- ⑤ From Open Space to Industrial

Objectors to the Official Plan Amendments

- Ⓐ J. Ferguson
- Ⓑ J. McBride
- Ⓒ R. Phillips

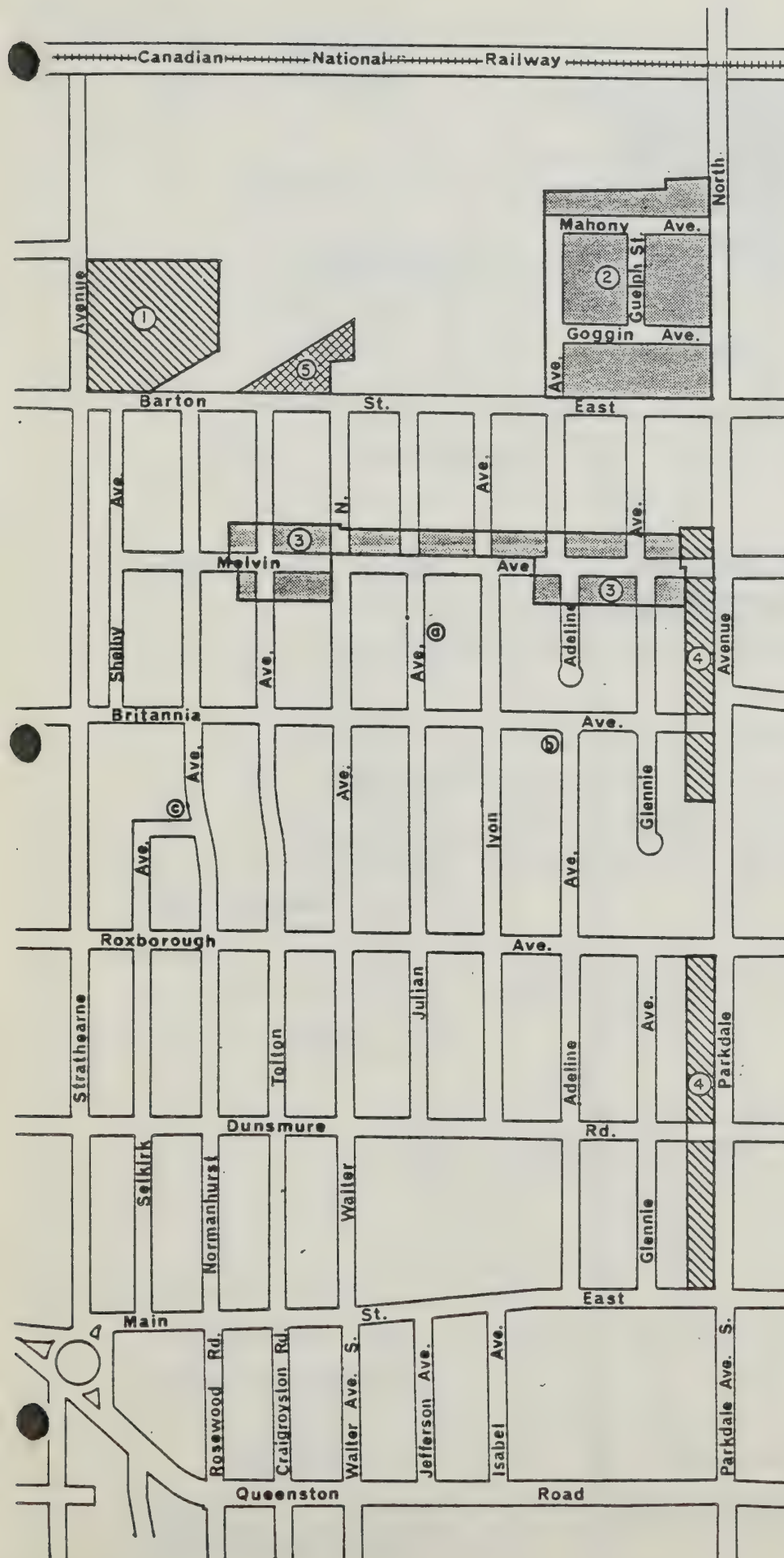
CITY OF HAMILTON NORMANHURST



50 0 50 100

February, 1987

Planning and Development Department
Hamilton-Wentworth Region



MAP 3

Rezoning

- ① From "K" to "J"
- ② From "K" to "G-1"
- ③ From "H" to "C"
- ④ From "H" to "G-3"
- ⑤ From "K" to "J" Modified

Objectors to Rezoning

- ⑥ J. Evans
(From "H" to "C")
- ⑦ J. Stoddart
(From "H" to "C")
- ⑧ J. Mileich
(From "H" to "C")
- ⑨ Mr. Desrochers
(From "H" to "C")
- ⑩ Thomsen, Pedersen, & Dawson
(From "H" to "C")
- ⑪ E. Nella
(From "H" to "C")
- ⑫ H.H. Robertson
(From "K" to "J")

CITY OF HAMILTON

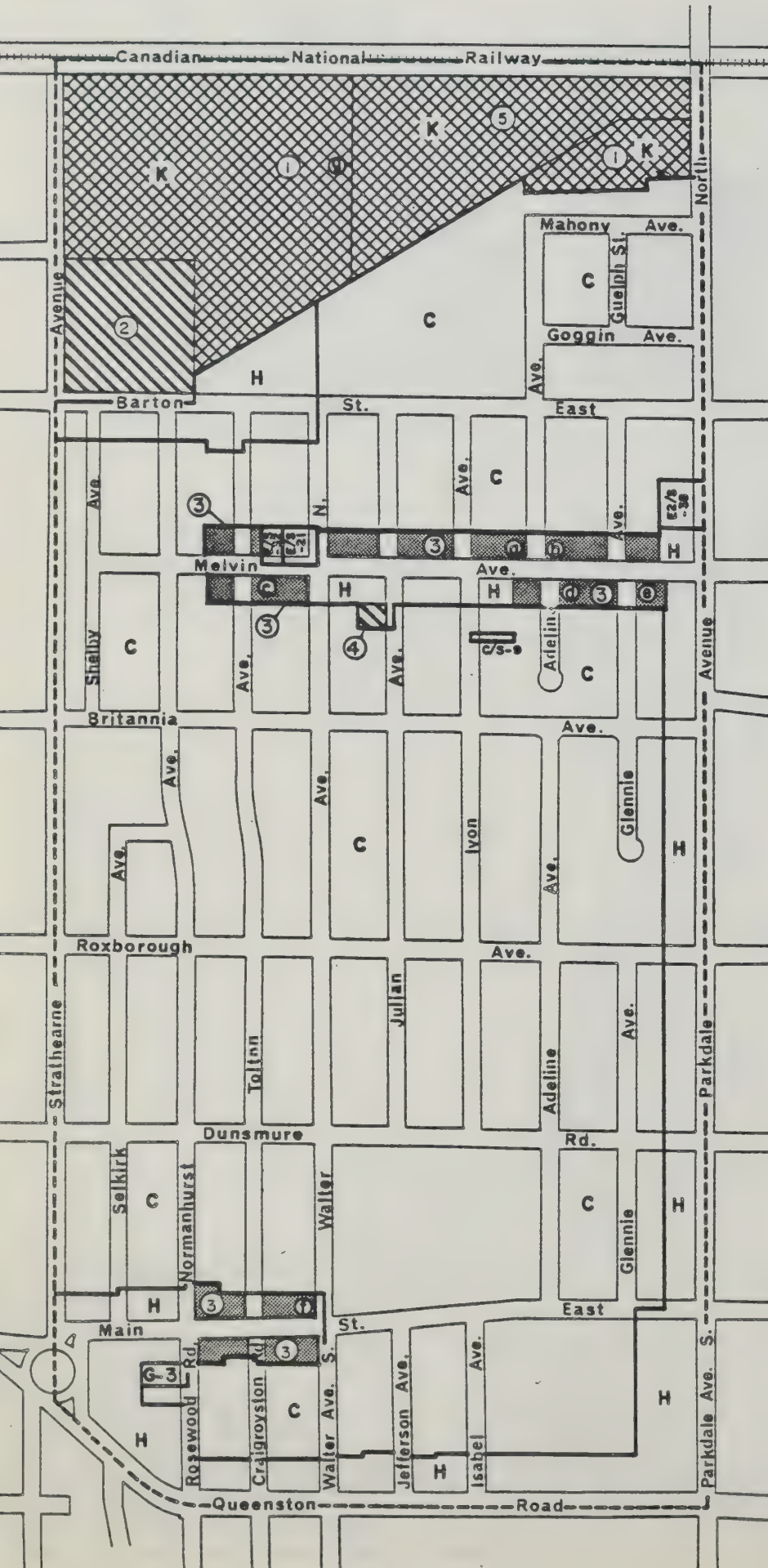
NORMANHURST



50 0 50 100

February, 1987

Planning and Development Department
Hamilton-Wentworth Region



The Corporation of the City of Hamilton

BY-LAW NO. 84-3

To Adopt:

Official Plan Amendment No. 12

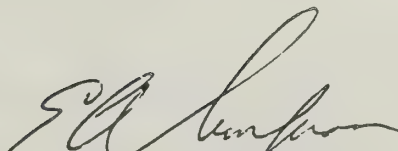
Respecting:

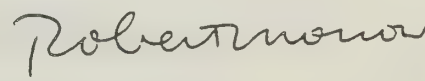
LAND LOCATED IN THE NORMANHURST NEIGHBOURHOOD, BOUNDED BY STRATHEARNE AVENUE, THE C.N.R. LINE, PARKDALE AVENUE SOUTH AND QUEENSTON ROAD

The Council of The Corporation of the City of Hamilton enacts as follows:

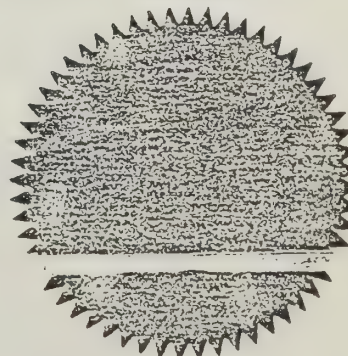
1. Amendment No. 12 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this Tenth day of January A.D. 1984.


City Clerk


Mayor

(1983) 24 R.P.D.C. 4, December 13



AMENDMENT NO. 12 TO THE
CITY OF HAMILTON OFFICIAL PLAN

PURPOSE

The purpose of the Amendment is to incorporate policy and schedule changes to the Official Plan, with the recently approved Normanhurst Neighbourhood Plan.

LOCATION

The lands affected by the Amendment are located in the Normanhurst Neighbourhood, which is bounded by Strathearn Ave., the CNR line, Parkdale Avenue South and Queenston Road.

BASIS

The Amendment reflects the Normanhurst Neighbourhood Plan, and provides a basis for the rezoning of certain lands within the Neighbourhood. The policy and schedule changes are based on reports and other documentation contained in the Appendices of this Amendment.

ACTUAL CHANGES

- i) Policy A.2.7.5 in Subsection A.2.7- Utility Uses will be amended to read as follows:
"Notwithstanding the permitted uses in Policy 2.7.1 above, additional uses may be permitted on Ontario Hydro lands and all other lands designated "UTILITIES" where deemed by Council to be compatible with adjacent land uses, by agreement of the land owner and subject to the preparation of a Neighbourhood Plan for the affected lands."
- ii) Schedule "A" of the Official Plan (Land Use Concept), as amended, will be further amended, as shown on the attached map being Schedule "A" of the Amendment. (See Map 3 for amendments).


IMPLEMENTATION


A restricted area by-law will give effect to the intended use of the subject lands.

Bill No. D-11

This is Schedule 1 to By-law No. 84- 3 , passed on the Tenth day of January , A.D. 1984.

THE CORPORATION OF THE CITY OF HAMILTON


City Clerk


Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 84-46

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED IN THE NORMANHURST NEIGHBOURHOOD

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, proposed by the Council of The Corporation of the City of Hamilton, but not yet approved by the Minister under The Planning Act at the time of the passing of the by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets Nos. E-72 and E-73 of the District Maps, appended to and forming part of By-law No. 6593, are amended,

- (a) by changing from "K" (Heavy Industry, etc.) district to "J" (Light and Limited Heavy Industry, etc.) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A"; and

- (b) by changing from "K" (Heavy Industry, etc.) district to "J" (Light and Limited Heavy Industry, etc.) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A5".

2. Sheet No. E-73 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "K" (Heavy Industry, etc.) district to "G-1" (Designed Shopping Centre) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A1"; and

- (b) by changing from "H" (Community Shopping and Commercial, etc.) district to "G-3" (Public Parking Lots) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A2"; and

- (c) by changing from "H" (Community Shopping and Commercial, etc.) district to "C" (Urban Protected Residential, etc.) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A3".

3. Sheet No. E-74 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "H" (Community Shopping and Commercial, etc.) district to "C" (Urban Protected Residential, etc.) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A4".

4. The "J" District provisions applicable to the land at No. 411 Parkdale Avenue North, the extent and boundaries of which are shown on schedule "A5" annexed hereto, are amended to the extent only of the special requirement that,

- (a) notwithstanding subsection 16(1) of By-law No. 6593, the existing use and any expansion of the existing use, shall be permitted.

5. In respect of the following lands, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the following:

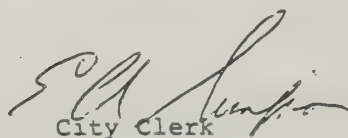
- (a) as to the land shown on schedule "A5", the "J" District provisions, subject to the special requirement referred to in section 4.


6. By-law No. 6593 is amended by adding this by-law to section 19B as "S-851".

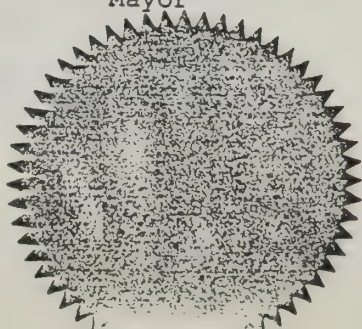
7. Sheets Nos. E-72 and E-73 of the District Maps are amended by marking the land referred to in section 4 of this by-law, "S-851".

8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with The Planning Act, 1983.

PASSED this 29th day of February A.D. 1984.

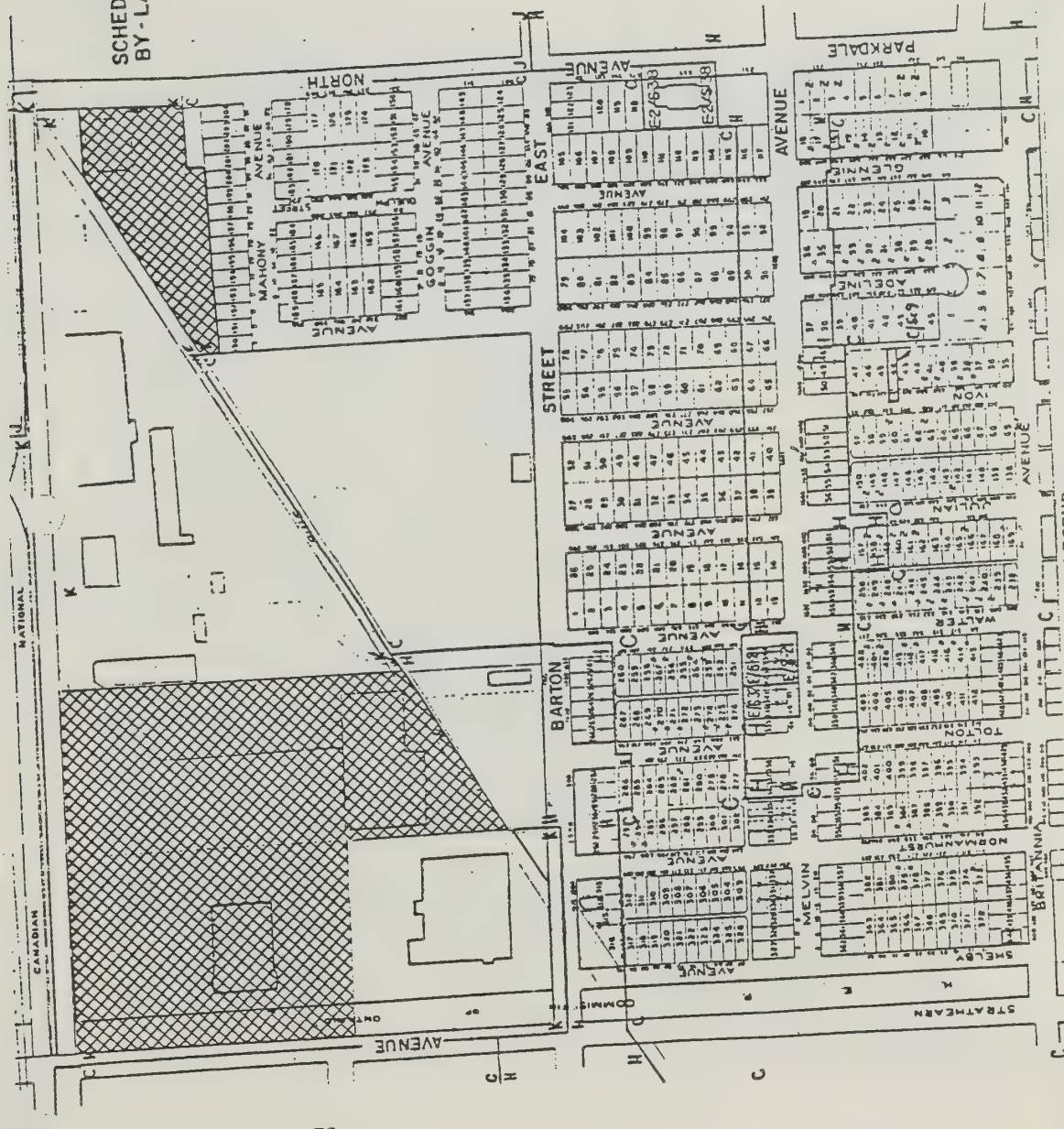

City Clerk


Mayor



E-72
E-73

SCHEDULE "A" TO
BY-LAW NO. 84-



Bill No.

This is Schedule "A" to By-law No. 84-46 passed the 29th day of February, 1984

THE CORPORATION OF THE CITY OF HAMILTON

[Signature]
City Clerk

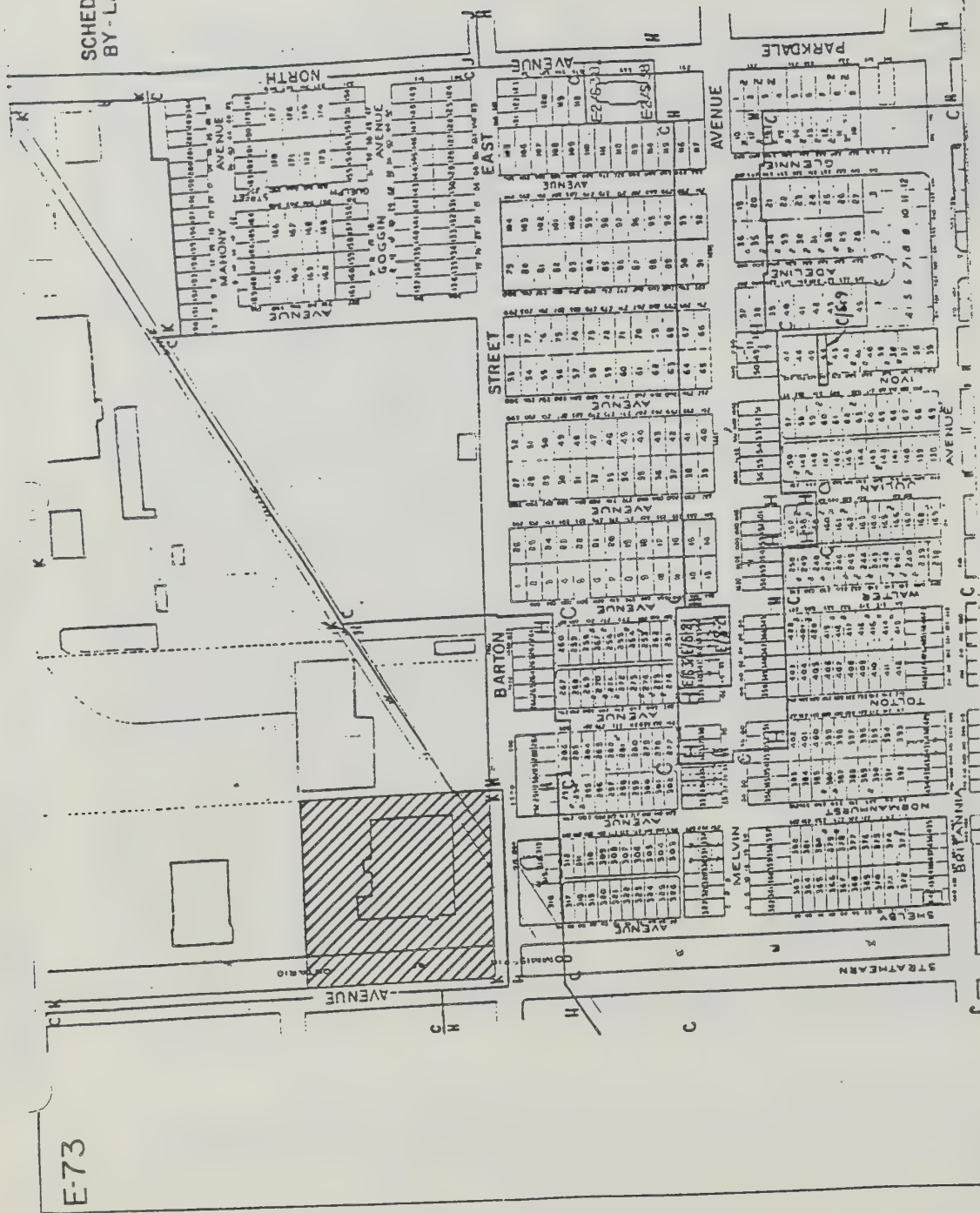
J-11

[Signature]
Mayor

Lands on part of Sheet No. E-72 and Sheet No. E-73 of the Zoning District Maps to be re-zoned from "K" (Heavy Industry, etc.) District to "J" (Light and Limited Heavy Industry, etc.) District.

C.I. 83-0

SCHEDULE "A1" TO
BY-LAW NO. 84-



Bill No.

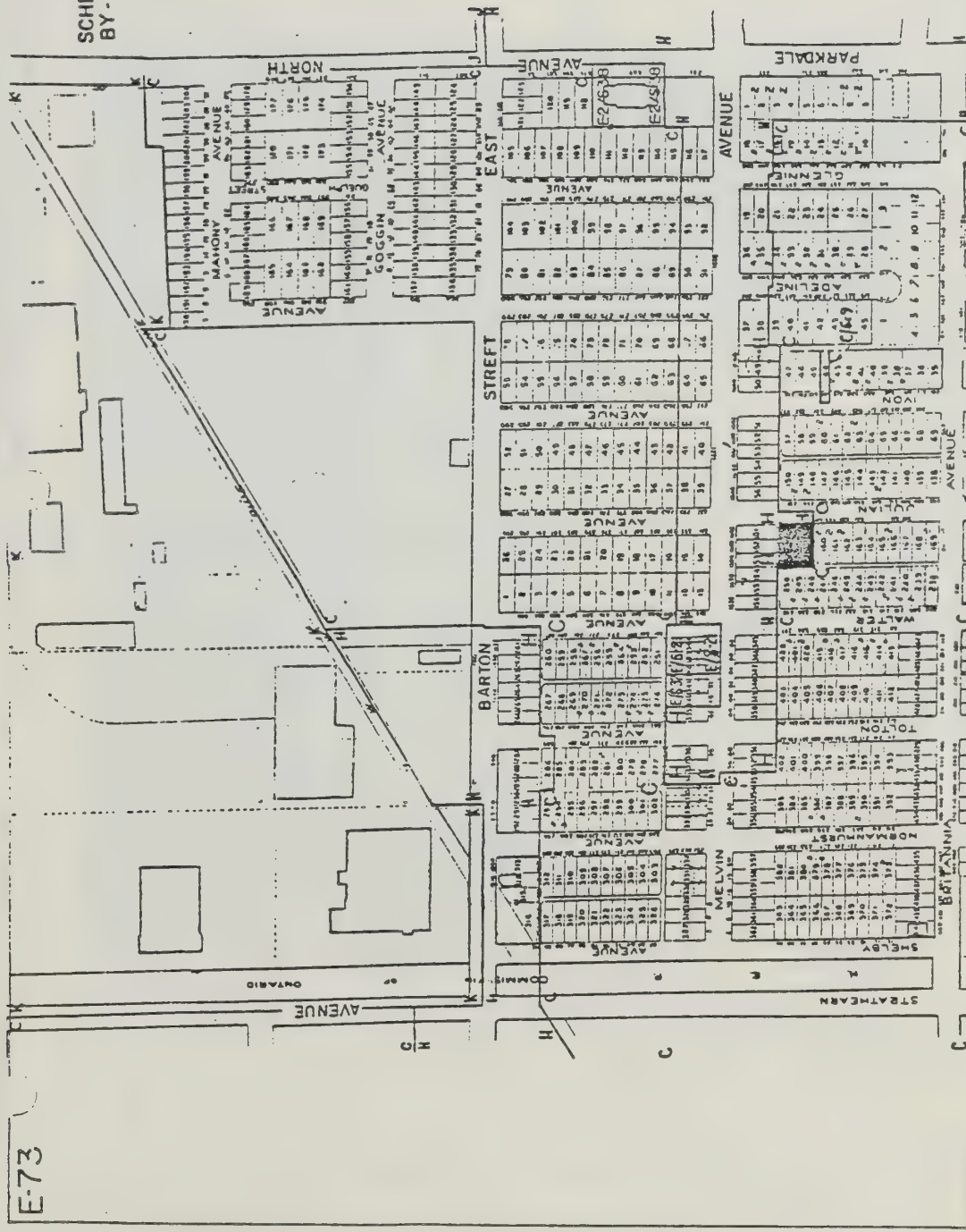
This is Schedule "A1" to By-law No. 84-46 passed the 29th day of February, 1984

THE CORPORATION OF THE CITY OF HAMILTON

[Signature]
City Clerk

[Signature]
Mayor

SCHEDULE "A2" TO
BY-LAW NO. 84 -



C.I. 83-0

LEGEND

Lands on Sheet No. E-73 of the Zoning District Maps to be re-zoned from "H" (Community Shopping and Commercial, etc.) District to "G-3" (Public Parking Lots) District.

Bill No.

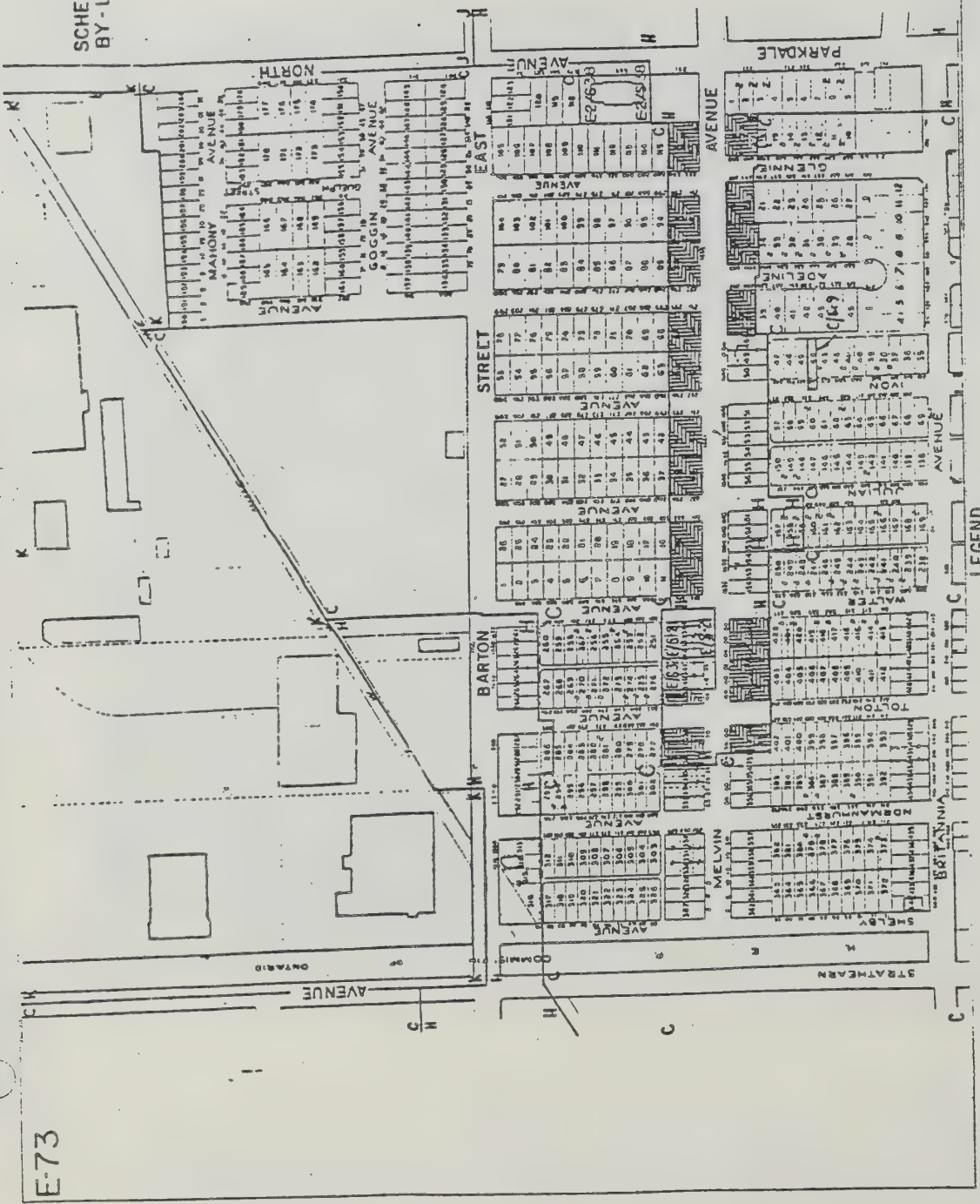
This is Schedule "A2" to By-law No. 84-46 passed the 29th day of February, 1984

THE CORPORATION OF THE CITY OF HAMILTON

[Signature]
City Clerk

[Signature]
Mayor

SCHEDULE "A3" TO
BY-LAW NO. 84 -



C.I. 89-0

Lands on Sheet No. E-73 of the Zoning District Maps to be re-zoned from "H" (Community Shopping and Commercial, etc.) District to "C" (Urban Protected Residential, etc.) District.

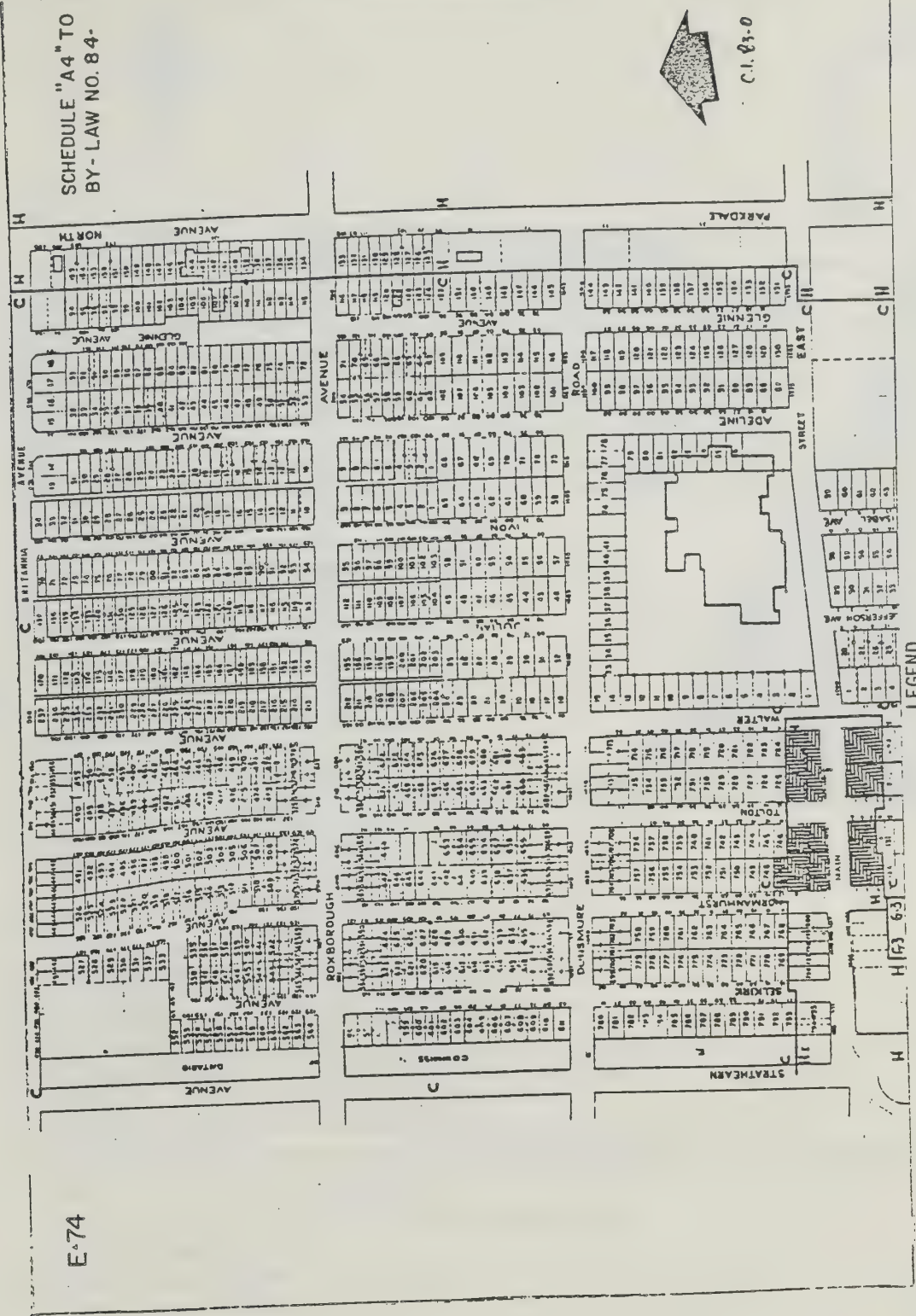
Bill No.

This is Schedule "A3" to By-law No. 84-46 passed the 29th day of February, 1984

THE CORPORATION OF THE CITY OF HAMILTON

[Signature]
City Clerk

[Signature]
Mayor



This is Schedule "A4" to By-law No. 84-46 passed the 29th day of February, 1984

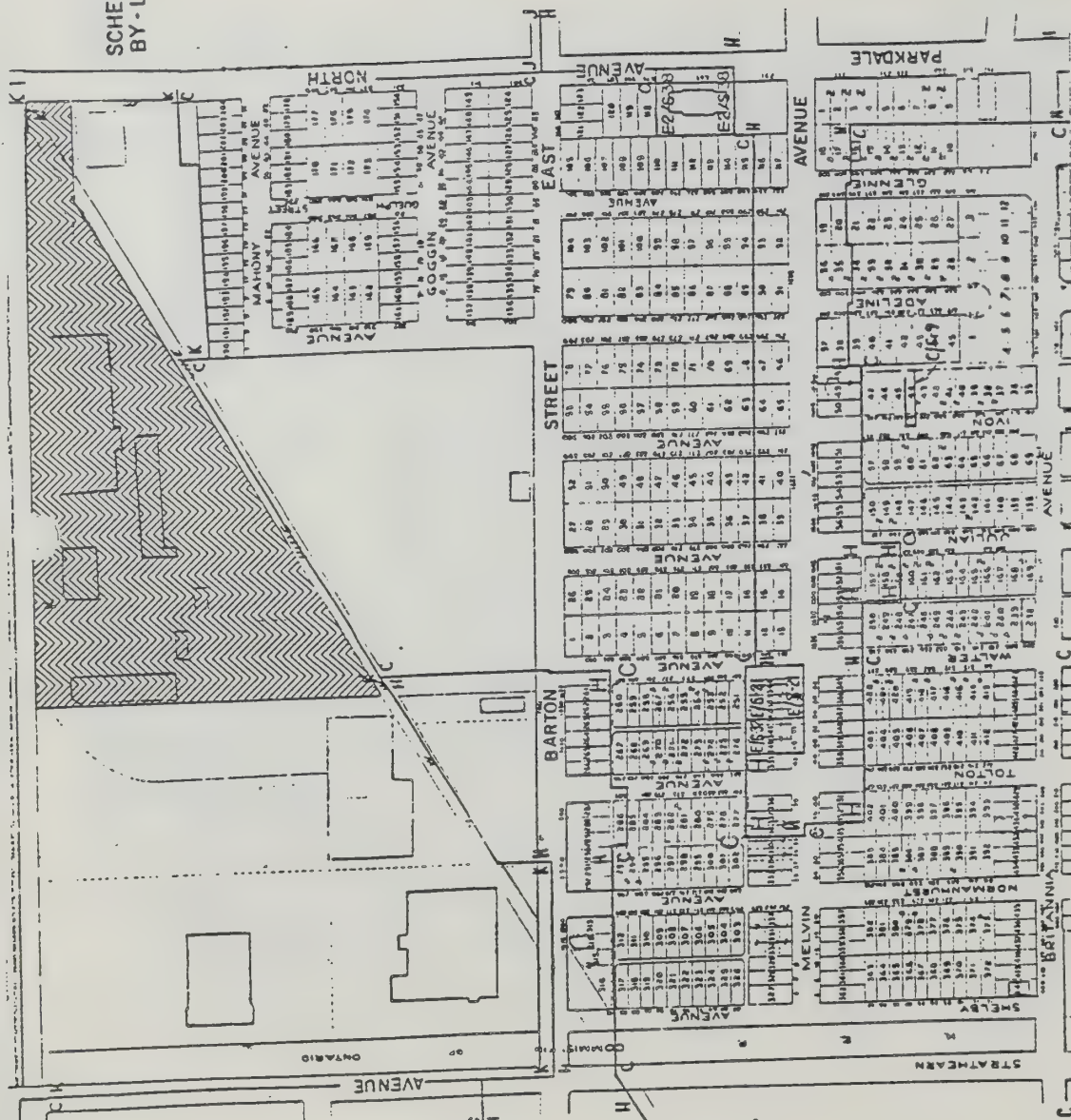
E. A. Simpson
City Clerk

THE CORPORATION OF THE CITY OF HAMILTON

R. M. M. M. M.
Mayor

E-72
E-73

SCHEDULE "A5" TO
BY-LAW NO. 84-



LEGEND

Lands on part of Sheet No. E-72 and Sheet No. E-73 of the Zoning District Maps to be re-zoned from "K" (Heavy Industry, etc.) District to "J" (Light and Limited Heavy Industry, etc.) District (Modified to Permit the Existing Use and Expansion Thereof)

Bill No.

This is Schedule "A5" to By-law No. 84-46 passed the 29th day of February, 1984

[Signature]
City Clerk

THE CORPORATION OF THE CITY OF HAMILTON

J-16 *[Signature]*
Mayor

46 USES ELIMINATED BY
ZONING CHANGE FROM "K" TO "J"

Acid Manufacture and storage
Acetyline Gas Manufacture and storage
Ammonia Manufacture and storage
Asphalt and Asphalt products
Manufacture
Celluloid Manufacture and storage
Cellulose Manufacture
Cement Manufacture
Cement Products Manufacture
Chlorine and Chlorine Bleaches Manufacture
Coke Oven
Corrosion of Aluminum, Copper, Iron, Tin, Lead or Zinc
Disinfectant Manufacture
Distillation Plant
Dressings Manufacture
Emery Cloth Manufacture
Fertilizer Manufacture
Firework Manufacture
Garbage Dump
Gas Plant
Glue Manufacture
Graphite Manufacture
Incinerator
Insecticide Manufacture
Lacquer Manufacture
Metal Products Manufacture
Metal Products Manufacture where Cutting, Shearing, Hammering,
Rolling, Acture Stamping or Grinding Operations take place
Metallic Sodium Manufacture
Nitrating Plant
Non-Ferrous Metals Manufacture and Corrosion
Paints and Varnish Manufacture
Petroleum and Petroleum Products Manufacture
Polishes Manufacture
Potash Manufacture
Primary Metals Plant
Potash Manufacture
Primary Metals Plant
Propane Gas Manufacture or Storage
Pyroxylin Manufacturer or Storage
Rayon Manufacture
Rock Crushing Plant
Salvage Yard
Sand Paper Manufacture
Sheet Mica Manufacture
Slaughter House and Stock Yard
Tallow Rendering Plant
Tannery
Tar and Tar Products Manufacture
Textile Factory

RECEIVED

JUN 7 1985

LEGAL DEPARTMENT
THE CORPORATION OF
THE CITY OF HAMILTON



Ontario

Ontario Municipal Board

APPENDIX 4

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IN THE MATTER OF Section 17(11) of The Planning Act, 1983

- and -

IN THE MATTER OF a reference to this Board by the Honourable Claude F. Bennett, Minister of Municipal Affairs and Housing on a request by Earl R. Cranfield on behalf of the Otis Elevator Company Limited and R. Denninger Limited for consideration of proposed Amendment Number 11 to the Official Plan for the City of Hamilton, Minister's File No. 25-OP-0058-011

- and -

IN THE MATTER OF Section 39 of The Planning Act (R.S.O. 1980, c. 379),

- and -

IN THE MATTER OF an application by the Corporation of the City of Hamilton for approval of its Restricted Area By-law 82-07 as amended by By-law 84-4

- and -

IN THE MATTER OF an application by the Corporation of the City of Hamilton for approval of its Restricted Area By-law 82-09 as amended by By-law 84-5

- and -

IN THE MATTER OF an application by the Corporation of the City of Hamilton for approval of its Restricted Area By-law 82-11 as amended by By-law 84-6

- and -

IN THE MATTER OF an application by the Corporation of the City of Hamilton for approval of its Restricted Area By-law 82-13 as amended by By-law 84-7

- and -

IN THE MATTER OF an application by the Corporation of the City of Hamilton for approval of its Restricted Area By-law 82-15 as amended by By-law 84-8

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and

IN THE MATTER OF an application by the
Corporation of the City of Hamilton for
approval of its Restricted Area By-law
82-17 as amended by By-law 84-9

C O U N S E L :

P.M. Eker	- for the City of Hamilton
J.R. Tidball	- for the Ministry of the Environment
J.T. Slinger and Fatima Mohideen	- for North Central Community School Association
A.I. Foreman, Q.C.	- for Sam's Auto Wrecking Co. Ltd.
A. Wellenreiter, Q.C.	- for R. Denninger Limited
E.R. Cranfield, Q.C.	- for Otis Elevator Company Limited

DECISION OF THE BOARD delivered by P.G. WILKES

In January 1983, this panel of the Board heard applications by the City of Hamilton for approval of its by-laws 82-7, 82-9, 82-11, 82-13, 82-15 and 82-17. These by-laws down zone about 23.5 acres of land by prohibiting some 35 categories of industrial use in the existing heavy industrial zone bordering the residential area of the Keith Neighbourhood. The expressed purpose of the by-laws is to afford some protection to the 1600 residents of the Keith Neighbourhood from 35 potentially incompatible categories of use which would otherwise be permitted on the nearby industrial lands. The industrial area in question is approximately 100 metres in width, affecting the lands of six industrial organizations lying to the north, west and east of the residential area, and the six by-laws are worded so as to permit the existing use to continue as a permitted use on the property of each of the six organizations.

In its decision of March 2, 1983, dealing with the merits of the applications, the Board found that the by-laws conformed with the Official Plan, but noted that:

".....it might have been helpful if a site specific Official Plan Amendment had been approved which set out specific policies that support the zoning by-laws."

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The Board also concluded that:

"the evaluation process used by the planner and the Ministry of the Environment representatives fails to justify the selection of the thirty-five uses in a number of instances."

and

".....more study is required to select properly the uses or components of uses that should be prohibited in these by-laws. In saying this, the Board has concluded that more emphasis should be given to the powers available to the Ministry of the Environment and to the municipality."

and

"....the Board has concluded from the evidence that the adverse effects on the industrial lands of the downzoning are not outweighed by the benefits to the residential community. The Board is, therefore, not satisfied with the by-laws in their present form. However, it is clear from the evidence that upon further consideration by the municipality it might well be appropriate to prohibit certain uses from the lands in question. The Board will, therefore, adjourn the hearing for a period of twelve months to give the municipality the opportunity of reconsidering the by-laws with more detailed consideration given to the industrial uses involved, including their component uses, in the light of modern industrial techniques and with due consideration to the powers available to the Ministry of the Environment and the municipality."

In response to this decision and after the Board's granting an extension in time, the hearing continued in June 1984. This time the Board was asked to consider the six by-laws dealt with in 1983, and in addition, to consider six amending by-laws and an Official Plan Amendment. The hearing was adjourned until September 1984 to give the municipality time to serve notice of the Official Plan Amendment. The hearing continued in September, and after two further interruptions because of time constraints, was completed at the end of February 1985.

At the continuation, the City, the Ministry of the Environment (MOE) and the North Central Community School Association, each of whom was represented by counsel, called witnesses in support of all of the applications. The City's evidence was given by a staff planner and by the Director of the Occupational Health Program at McMaster University. The MOE's witnesses were a senior environmental planner, the Hamilton District Officer and a senior project engineer with the noise abatement unit, all

three of whom are on staff with the Ministry. The Community School Association called a number of nearby residents, a community school worker, the economic development commissioner of the City of Scarborough and a social planner. One unrepresented resident also gave evidence in support of the applications.

During the course of the hearing, all of the six companies directly affected by the applications were represented by counsel who called witnesses in opposition to all of the applications. These witnesses included representatives of the companies as well as representatives of other corporations who, although not directly affected by the subject application, expressed concern over the possibility of similar industrial down zoning in residential areas elsewhere in the municipality. In addition, the industries called the building commissioner, two representatives of the Chamber of Commerce, a land use planner, a real estate appraiser, an environmental planner, the Regional Director of Economic Development, a representative of the Hamilton Real Estate Board, a medical doctor with the family practice unit of the Hamilton General Hospital, a medical doctor with the faculty of medicine at McMaster, and one Keith neighbourhood resident, all of whom gave evidence which supports the industry's position in opposition to the applications.

The issues dealt with at the continuation were the same as those dealt with prior to the Board's decision of March 2, 1983. However, this time a different process had been used by the City's planner and the MOE in arriving at the selection of the prohibited categories set out in the by-laws as amended, and now numbering some forty-one categories of industrial use.

The earlier selection had been carried out by the planner and an MOE officer who, together, made evaluations of what they considered to be the impact on nearby residences of industrial uses permitted in Heavy Industrial zones based on the perception that these two individuals had of the

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contribution of each use to fire, air pollution, noise pollution and visual pollution. Those uses, which in their opinion, scored poorly on their evaluation sheet, became prohibited uses in the by-laws.

This time the planner submitted a list of 102 industrial categories of use to the MOE, the Hamilton Fire Department and the Director of the Occupational Health Program of McMaster asking them for comments and recommendations as to the compatibility of such uses with residential neighbourhoods. From the responses received, the planner prepared a recommendation, filed as Appendix 4, Tab 9, Exhibit 2, in which he listed 41 categories of use to be excluded from the "Keith Buffer Zone", and summarized why he recommends that each of the categories be excluded.

The response received from the Ministry of the Environment is based on investigations carried out by the Ministry, following the Board's decision of March 2, 1983. The MOE's Industrial Abatement and Approvals staff from across the province were requested to fill out a survey form, ten of which were sent to each district. Ministry of Environment staff were requested to select from as broad a range as possible of light, medium, heavy and ultra-heavy industrial uses with which they had first hand experiences. The results from 148 survey forms were summarized on three tables set out in Exhibit 16 and were further classified by other MOE staff into light, medium and heavy industrial uses. In most cases, the Abatement Officers included recommendations as to the separation distances that should be provided between industrial uses dealt with and nearby residential uses. The planner in preparing his list of 41 prohibited uses relied more heavily on the casebooks filed as Exhibits 16 and 16A than on any other information available to him. The difficulty the Board faces in accepting this procedure is as follows. First, none of the Ministry of the Environment staff who filled out the survey forms was present at the hearing to be questioned. Secondly, because of this, it is impossible to tell whether the distances recommended by the staff were assumed to be used for downzoning instead of a new "greenfield" situation, and whether or not the staff member

would adjust his recommendations in the light of the proposed 100 metre downzoning strip. Thirdly, it is also impossible to know whether or not the distances recommended were simply meant to lessen the work of the Ministry of the Environment in carrying out its duties under the Environmental Protection Act, in terms of providing certificates for new installations, and in monitoring, controlling and sometimes stopping, and/or fining existing operations in contravention of the Act. Fourthly, it is not likely that the staff who filled out the forms had been advised of the depth of 100 metres proposed for the downzoning. Otherwise, they would not have recommended distances of up to 1000 metres in many instances. There is no way of knowing whether or not the staff would support a 100 metre separation in the many instances in which they have recommended separation of many times that amount. It might well be their view that the smaller buffer would simply give a false sense of security, particularly where health hazards might be involved. Fifthly, there are a number of categories in which only one form was filled out dealing with one of the categories of industry. In other instances, there are merely two or three such filled out forms. The problem in such cases is that reliance has been placed entirely on the filled out form, and it is impossible to tell the degree of knowledge of the author with respect to the category of industry involved. It seems to be an unscientific process to prohibit an entire category of industry with all of its modern equipment and technique because of the opinion of one staff member with a knowledge of one industry of uncertain date and sophistication which he believes is representative of the category involved. Sixthly, it is not possible to tell from the forms whether in a given period of time there was one occurrence resulting in 50 complaints, or 50 occurrences resulting in 50 complaints, or any combination in between. Furthermore, there is no way of telling whether the complaint was serious, frivolous or any stage in between. It was not possible to probe further into these matters at the hearing because the staff members who filled out the survey forms were not available for cross-examination.

The Ministry of the Environment witnesses who were present at the

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hearing acknowledged that there were powers in the Environmental Protection Act to deal with hazardous uses, and the kind of annoying uses which would otherwise require substantial separations. They would look to the municipality for assistance in the passing of a municipal noise control by-law presently under preparation.

The real concern of the Ministry of the Environment, when it is all boiled down, is the difficulty of controlling what they refer to as fugitive emissions. These can come from exhaust fumes, open windows, open doors and other places which are almost impossible to control through the issuance of certificates or other powers under the Act. However, in dealing with this matter of fugitive emissions, the Ministry of the Environment admitted that there do not appear to be compelling reasons why the 41 prohibited uses would be worse offenders than the other industrial categories not prohibited by these by-laws.

In considering the Ministry's evidence leading towards the selection of the prohibited uses, the Board appreciates the amount of work done by the City and the Ministry of the Environment since the issuing of the earlier decision. However, there still remains the concern over whether or not the benefits gained by the proposed downzoning outweigh the adverse effects on the lands of the organizations involved.

In saying this, it is clear to the Board from the evidence that if there were no development of any kind in place and this were a "greenfield" situation, the Board might well agree to the kinds of buffering recommended in the case books, so as to avoid problems between residential land use and the operation of the industries involved, but even then there would be a substantial role for the Ministry of the Environment in protecting people working in heavy industry and in a light industrial buffer zone from any hazardous effects from industry's not permitted in such buffers.

However, this is not a "greenfield" situation. Instead, industrial and

residential development grew up together, beginning at the turn of the century and they have for the most part existed side by side as good neighbours since that time.

Some years ago, the entire area, including the residential area of the Keith Neighbourhood, was zoned for industrial use even though the residences had been in existence for many years before such zoning was put in place. The evidence indicates that because of the non-conforming use status of the houses, the residents were facing difficulties in obtaining mortgage money and other forms of financing and as a result had requested a rezoning of their lands to a residential category. The surrounding industries, recognizing the benefits to their residential neighbours did not object to the by-law rezoning the residential properties for residential use, and the Board gave its approval to the by-law.

Subsequently, the City's planners prepared a neighbourhood plan, whose lack of status has already been dealt with in the 1983 decision of the Board, and based on this plan and the recommendations of the planning staff, the City passed the by-laws, downzoning the land in question.

In preparing the list of prohibited uses, the planner also relied on correspondence from the City's Chief Fire Prevention Officer, filed as Appendix 7 of Tab 9 of Exhibit 2. This official was not called as a witness, and the documentation following his letter simply noted that various industrial categories were "flammable" or involved "flammable materials" or were "corrosive" or "explosive". The Board does not find this evidence to be very helpful, and the planner admitted that he did not place as much reliance on it as he placed on the documentation of the Ministry of the Environment.

The planner also relied to a limited extent on the evidence of the representative of the Health Program at McMaster, filed as Appendix 8, Tab 9, Exhibit 2. This evidence is also too general to be of much help. The

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oral evidence given by the witness in support of this material indicated that no studies or investigations had been carried out to support the general conclusions reached. However, he believes that it is not sufficient to rely upon government authorities such as the Ministry of the Environment, even with the powers available under the legislation, since it is his belief that such authorities are never able to provide adequate monitoring and control in actual practice.

The Keith Neighbourhood residents themselves, in giving evidence in support of the application, expressed fears over safety, appearance, traffic, air pollution and the possibility of a decrease in the values of their properties. This evidence was substantially the same as that given at the earlier hearing, and was dealt with in the earlier decision of the Board. The greatest concern of the residents appeared to be the possibility of the expansion of or the repetition of an operation such as Sam's Auto Wrecking, which is located within the proposed 100 metre strip, and to an obnoxious smelling plant such as that presently in existence in a more restricted industrial zone outside the proposed buffer south of the residential area of the Keith Neighbourhood. As for Sam's, one of the residents expressed concerns over the appearance of Sam's property from a second storey window and others complained of a crushing noise heard from time to time. As to the obnoxious smelling plant to the south, there was no evidence to indicate that such an operation would be prohibited in the properties in question by the downzoning by-laws, since the operation was permitted on lands already zoned for restricted industrial use.

In dealing with all of this evidence in support of the by-laws, the Board must weigh such evidence against the adverse effects on the industries involved.

First, examples were given of industries such as Otis who might well be asked to submit quotations for the manufacture of items which are part of their business and which might require a process such as aluminum

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manufacturing which had been discontinued at the time of the passing of the by-law. In such cases, Otis would simply be unable to quote because of the time required to get an amending by-law in place or to discover whether or not they would be breaking the law by manufacturing aluminum on the basis of it being an accessory use. Similar problems were expressed by other companies who were concerned about the lack of flexibility in their operations that would result from the categories of prohibitions set out in the by-laws, and the Board accepts the seriousness of these concerns.

Secondly, the industries are concerned that there would be a depreciation in the value of their land and buildings if the industries were to attempt to sell, rent or lease all or part of their buildings, and the Board accepts the real estate evidence of the industries in this regard, although the actual losses would be difficult to estimate. In any event, the evidence shows that the by-laws would substantially reduce the numbers of companies who might be interested in operating their businesses in the downzoned strip, and that in itself would have an adverse effect on the existing landowners.

Thirdly, there is a very real fear in the business and industrial community in Hamilton that this will be the first of a number of attempts to use a process of downzoning strips of heavy industrial lands around pockets of existing residential development in the City, and the City's planning evidence did nothing to dispel such concerns. The industries are concerned that, not only would the future downzoned properties be adversely affected, but the downzoning process begun by the subject by-laws would be taken by the business community at large as a signal of discouragement of heavy industry in the Hamilton region with an accompanying erosion to the region's industrial base.

Fourthly, industries in the area are uneasy about the arbitrary nature of the proposed 100 metre buffer. The evidence indicates that a much wider strip was originally proposed, and was subsequently reduced to 100 metres so

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that the municipality would have to deal with only six objecting companies, not the twenty or thirty odd companies who would have been directly affected by the wider strip. The industries are concerned that, because of the arbitrary nature of the selection of the width of the strip, there might well be subsequent applications to increase its width leading to further adverse effects on industry in the area.

Fifthly, the broad categories used for the listing of prohibited uses actually encompass literally hundreds of industrial operations, many of which in the industry's view, could not possibly have a harmful effect on nearby residential use. For example, the manufacture of aspirin and other pharmaceuticals would probably be prohibited as falling within the category of "Chemical and Allied Product Manufacture". Similarly, many very light industrial operations could be excluded as being Non-Ferrous Metal Manufacture and Corrosion. In the extreme, the process of producing distilled water might not be permitted as being in the prohibited category of a Distillation Plant. Perhaps this could have been overcome by the proponents of the by-laws reconsidering the first set of by-laws with more consideration given to the industrial uses involved, including their component uses, in the light of modern industrial techniques. However, there was no evidence to indicate that such investigations were carried out following the earlier decision of the Board.

The Official Plan Amendment, O.P.A. No. 11, adopted after that earlier decision, is not very helpful. It indicates that the purpose of the amendment is to establish a "zoning buffer" on the lands involved. It lists the same prohibited uses that are found in the zoning by-law, and like the by-laws permits the continuation of existing uses as permitted uses. It also sets out a new policy allowing amendments to be made to the by-law, without the need for a further official plan amendment, providing that such zoning amendments meet a number of tests. Official Plan Amendment No. 11 is silent on the rationale for the 100 metre width. It is also silent on the contributions of the Ministry of the Environment and others in this and

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perhaps other downzoning processes. There is no indication of whether or not the principle of downzonings of this kind has been accepted as the way in which Hamilton intends to deal with the interface of heavy industry and residential use. Instead, the Official Plan Amendment does little more than repeat the provisions set out in the by-laws, without providing the kinds of policies that normally form the basis for by-laws which have such far reaching effects.

In considering all of the evidence, the Board has not changed its conclusion set out in the earlier decision that the adverse effects of these by-laws on the industries substantially outweigh any benefit to the public interest. In short, the Board considers these by-laws to have a substantial adverse effect on the industries for the reasons set out above. The Board also finds the proposed downzoning of the 100 metre strip to be based on arbitrary judgments, for the most part, being incapable of fulfilling the purposes for which it was chosen, and in this situation contributing to a false sense of security about protection which should be the responsibility of the Ministry of the Environment and through other controls such as noise control by-laws available to the City.

In saying this, it is perfectly clear to the Board from the evidence that there are certain industrial operations which should not take place within the proposed buffer, or for that matter, for a substantial distance beyond such a buffer. Amongst such uses would be a Coke Oven, a Garbage Dump, a Paper Mill, and other large industrial uses listed in the proposed by-law, and the Board has no doubt that the landowners would accept the prohibition by by-law of a few of such obvious categories of use. Frankly, no one in his right mind would contemplate such uses on the lands in question.

There was insufficient evidence to allow the Board to pick and choose from amongst the 41 categories, and in any event, none of the parties asked the Board to do so, and the Board is content to rely on the good judgment of

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potential users as well as the availability of ample government controls rather than downzoning to prohibit uses which quite clearly would never take place.

As a result of the findings set out in the decision, the Board has concluded from the evidence that the Official Plan Amendment and the by-laws as written are not in accordance with good planning principles.

The Board will, therefore, refuse to give its approval to:

Official Plan Amendment No. 11.

By-law 82 07 as amended by By-law 84-4

By-law 82.09 as amended by By-law 84-5

By-law 82.11 as amended by By-law 84-6

By-law 82.13 as amended by By-law 84-7

By-law 82.15 as amended by By-law 84-8

By-law 82.17 as amended by By-law 84-9

DATED at Toronto this 5th day of June 1985.



R.J.L. CHAPMAN
MEMBER



P.G. WILKES
MEMBER

Keith Response to OMB Decision

1. "None of the Ministry of the Environment staff who filled out the survey forms was present at the hearing to be questioned."

Response

True, but John Vogt, who supervised people who filled out forms and was able to comment on most types of industry himself, was present. There was a logistics problem in bringing the many staff to the hearing from all over the Province in a limited amount of hearing time.

2. "Secondly, because of this, it is impossible to tell whether the distances recommended by the staff were assumed to be used for downzoning instead of a new "greenfield" situation, and whether or not the staff member would adjust his recommendation in the light of the proposed 100 metre downzoning strip."

Response

Clearly they were supposed to be used in any situation. Otherwise the Ministry would not have been at the hearing supporting the bylaw and Official Plan amendments. The balancing factor is the impact on uses affected by the buffer.

3. "Thirdly, it is also impossible to know whether or not the distances recommended were simply meant to lessen the work of the Ministry of the Environment in carrying out its duties under the Environmental Protection Act, in terms of providing certificates for new installations and in monitoring, controlling and sometimes stopping, and/or fining existing operations in contravention of the Act."

Response

They would certainly lessen the work of the Ministry and clearly improve the quality of life.

4. "Fourthly, it is not likely that the staff who filled out the forms had been advised of the depth of 100 metres proposed for downzoning, otherwise it would not have recommended distances of up to 1000 metres in many instances."

Response

Clearly the Ministry are saying that the larger the separation distance the greater is the potential impact of a particular industry.

5. "There is no way of knowing whether or not staff would support a 100 metre separation in the many instances in which they have recommended separation of many times that amount. It might well be their view that the smaller buffer would simply give a false sense of security, particularly where health hazards might be involved."

Response

Clearly some distance is better than no distance especially where noise is concerned. Any sense of security seems to be better than no security.

6. "Fifthly, there are a number of categories in which only one form was filled out dealing with one of the categories of industry. In other instances there are merely two or three such forms filled out. The problem in such cases is that reliance has been placed entirely on the filled out form, and it is impossible to tell the degree of knowledge of the author with respect to the category of industry involved. It seems to be an unscientific process to prohibit an entire category of industry with all of its modern equipment and technique because of the opinion of one staff member with a knowledge of one industry of uncertain date and sophistication which he believes is representative of the category."

Response

This is the best evidence available and not refuted. Bylaws are the tools we use in planning and they specify use as the control. The Official Plan Amendment builds in safeguards for new production processes and allows them if they can be shown to be relatively compatible.

7. "Sixthly it is not possible to tell from the firms whether in a given period of time there was one occurrence resulting in 50 complaints, or 50 occurrences resulting in 50 complaints, or any combination in between. Furthermore, there is no way of telling whether the complaint was serious, frivolous or any stage in between."

Response

Complaints are a method of measurement but are not scientific. Yet complaints, based on a combination of intensity and frequency, are a good indication of the size of the problem.

8. "The Ministry 'would look to the municipality for assistance in the passing of a municipal noise control bylaw presently under preparation.'"

Response

Noise is far easier to control where the industries are not noisy. The proposed noise bylaw is only a partial answer to the noise problem since the Ministry guidelines are impractical in areas like Keith.

9. "The real concern of the Ministry of the Environment, when it is all boiled down, is the difficulty of controlling what they refer to as fugitive emissions. These can come from exhaust fumes, open windows, open doors and other places which are almost impossible to control through the issuance of certificates or other powers under the Act. However, in dealing with this matter of fugitive emissions, the Ministry of the Environment admitted that there do not appear to be compelling reasons why the 41 prohibited uses would be worse offenders than the other industrial categories not prohibited by these by-laws."

Response

There was evidence to suggest that the fugitive emissions of the 41 uses would have a greater impact than other industrial categories except those included for other than environmental reasons.

10. "In considering the Ministry's evidence leading towards the selection of the prohibited uses, the Board appreciates the amount of work done by the City and the Ministry of the Environment since the issuing of the earlier decision. However, there still remains the concern over whether or not the benefits gained by the proposed downzoning outweigh the adverse effects on the lands of the organizations involved."

Response

Agree.

11. "In saying this, it is clear to the Board from the evidence that if there were no development of any kind in place and this were a "greenfield" situation, the Board might well agree to the kinds of buffering recommended in the case books, so as to avoid problems between residential land use and the operation of the industries involved, but even then there would be a substantial role for the Ministry of the Environment in protecting people working in heavy industry and in a light industrial buffer zone from any hazardous effects from industry's (sic) not permitted in such buffers."

Response

It is difficult for the Board to conclude this if they do not accept any of the evidence.

12. "In preparing the list of prohibited uses, the planner also relied on correspondence from the City's Chief Fire Prevention Officer, filed as Appendix 7 of Tab 9 of Exhibit 2. This official was not called as a witness, and the documentation following his letter simply noted that various industrial categories were 'flammable' or involved 'flammable materials' or were 'corrosive' or 'explosive'. The Board does not find this evidence to be very helpful, and the planner admitted that he did not place as much reliance on it as he placed on the documentation of the Ministry of the Environment."

Response

This is a good example of the legalistic approach. The Board does not seem to accept the undisputed written word of a fire officer who says a firework factory could cause danger from explosion.

13. "The planner also relied to a limited extent on the evidence of the representative of the Health Program at McMaster, filed as Appendix 8, Tab 9 of Exhibit 2. This evidence is also too general to be of much help. The oral evidence given by the witness in support of this material indicated that no studies or investigations had been carried out to support the general conclusions reached. However, he believes that it is not sufficient to rely upon government authorities such as the Ministry of the Environment, even with the powers available under the legislation, since it is his belief that such authorities are never able to provide adequate monitoring and control in actual practice."

Response

The witness said that there was conclusive evidence about a limited number of uses being health hazards. These were excluded.

14. "The Keith Neighbourhood residents themselves, in giving evidence in support of the application, expressed fears over safety, appearance, traffic, air pollution and the possibility of a decrease in the values of their properties. This evidence was substantially the same as that given at the earlier hearing, and was dealt with in the earlier decision of the Board. The greatest concern of the residents appeared to be the possibility of the expansion of or the repetition of an operation such as Sam's Auto Wrecking, which is located within the proposed 100 metre strip, and to an obnoxious smelling plant such as that presently in existence in a more restricted industrial zone outside the proposed buffer south of the residential area of the Keith Neighbourhood. As for Sam's, one of the residents

expressed concerns over the appearance of Sam's property from a second storey window and others complained of a crushing noise heard from time to time. As to the obnoxious smelling plant to the south, there was no evidence to indicate that such an operation would be prohibited in the properties in question by downzoning by-laws, since the operation was permitted on lands already zoned for restricted industrial use."

Response

New evidence was brought forward on the regeneration of the neighbourhood and consequently future values of residential property. Although Sam's would be a permitted use, Sam's brother with a crusher, (which would not be a permitted use) would be an infinitely worse neighbour. It is hard to believe that the Board did not discover that Curry products manufactures tar products and such a use would not be permitted in the buffer.

15. "In dealing with all of this evidence in support of the by-laws, the Board must weigh such evidence against the adverse effects on the Industries involved.

"First, examples were given of industries such as Otis who might well be asked to submit quotations for the manufacture of items which are part of their business and which might require a process such as aluminum manufacturing which had been discontinued at the time of the passing of the by-law. In such cases, Otis would simply be unable to quote because of the time required to get an amending by-law in place or to discover whether or not they would be breaking the law by manufacturing aluminum on the basis of it being an accessory use. Similar problems were expressed by other companies who were concerned about the lack of flexibility in their operations that would result from the categories of prohibitions set out in the by-laws, and the Board accepts the seriousness of these concerns."

Response

This concern was expressed by Otis as a new piece of evidence at the hearing. However, this does not seem to be an overriding concern since the situation exists all over the City and does not seem to cause problems.

16. "Secondly, the industries are concerned that there would be a depreciation in the value of their land and buildings if the industries were to attempt to sell, rent or lease all or part of their buildings, and the Board accepts the real estate evidence of the industries in this regard, although the actual losses would be difficult to estimate. In any event, the evidence shows that the by-laws would substantially reduce the numbers of companies who might be interested in operating their businesses in the downzoned strip, and that in itself would have an adverse effect on the existing landowners."

Response

The number of uses interested in the affected sites, if sold, would be decreased but several hundred other uses would be permitted. It is the older type of industries which are being prohibited and there is a very limited demand from this type of industry. New industries springing up are mostly light industries. Donald Cole, the Director of Economic Development, suggested Otis would make a good location for a light industrial park.

17. "Thirdly, there is a very real fear in the business and industrial community in Hamilton that this will be the first of a number of attempts to use a process of downzoning strips of heavy industrial lands around pockets of existing residential development in the City, and the City's planning evidence did nothing to dispel such concerns. The industries are concerned that, not only would the future downzoned properties be adversely affected, but the downzoning process begun by the subject by-laws would be taken by the business community at large as a signal of discouragement of heavy industry in the Hamilton region with an accompanying erosion to the region's industrial base."

Response

Certainly industry is concerned about this point. However if the issue is analysed there is little validity to the argument. John Morand, the ex Director of Economic Development did not see the erosion of the industrial base or a signal of discouragement to heavy industry as a problem with the buffer.

18. "Fourthly, industries in the area are uneasy about the arbitrary nature of the proposed 100 metre buffer. The evidence indicates that a much wider strip was originally proposed, and was subsequently reduced to 100 metres so that the municipality would have to deal with only six objecting companies, not the twenty or thirty odd companies who would have been directly affected by the wider strip. The industries are concerned that, because of the arbitrary nature of the selection of the width of the strip, there might well be subsequent applications to increase its width leading to further adverse affects on industry in the area."

Response

The arbitrary nature of the buffer comes about by the different factors and attitudes in a particular case. In the Keith case property lines, noise diminution, air quality improvement and area of land impacted were taken into account along with the attitude of affected landowner. If the Keith model were to be adopted there would be more certainty for industry.

19. "Fifthly, the broad categories used for the listing of prohibited uses actually encompass literally hundreds of industrial operations, many of which in the industry's view, could not possibly (sic) have a harmful effect on nearby residential use. For example, the manufacture of aspirin and other pharmaceuticals would probably be prohibited as falling within the category of "Chemical and Allied Product Manufacture". Similarly, many very light industrial operations could be excluded as being Non-Ferrous Metal Manufacture and Corrosion. In the extreme, the process of producing distilled water might not be permitted as being in the prohibited category of a distillation Plant. Perhaps this could have been overcome by the proponents of the by-laws reconsidering the first set of by-laws with more consideration given to the industrial uses involved, including their component uses, in the light of modern industrial techniques. However, there was no evidence to indicate that such investigations were carried out following the earlier decision of the Board."

Response

It is true that the broad categories of prohibited uses listed encompass a great many other industries. Many of these sub groups of industries may be relatively compatible with residential. However we are dealing with an existing by-law. The Official Plan Amendment specifically allows for compatible sub groups of industries to be introduced without an Official Plan Amendment. It is unrealistic to evaluate the sub groups within a year because they run into the thousands.

20. "The Official Plan Amendment, O.P.A. No. 11, adopted after that earlier decision, is not very helpful. It indicates that the purpose of the amendment is to establish a "zoning buffer" on the lands involved. It lists the same prohibited uses that are found in the zoning by-law, and like the by-laws permits the continuation of existing uses as permitted uses. It also sets out a new policy allowing amendments to be made to the by-law, without the need for a further official plan amendment, providing that such zoning amendments meet a number of tests. Official Plan Amendment No. 11 is silent on the rationale for the 100 metre width. It is also silent on the contributions of the Ministry of the Environment and others in this and perhaps

other downzoning processes. There is no indication of whether or not the principle of downzonings of this kind has been accepted as the way in which Hamilton intends to deal with the interface of heavy industry and residential use. Instead, the Official Plan Amendment does little more than repeat the provisions set out in the by-laws, without providing the kinds of policies that normally form the basis for by-laws which have such far reaching effects."

Response

The Official Plan Amendment is site specific following a suggestion by the O.M.B. in their last written decision. The general policies on industry are found in the Official Plan itself. The 100 metres is established by the Official Plan amendment and evidence was given as to why the distance was appropriate e.g. property lines, noise attenuation, air quality improvement, area of land affected and attitudes of land owners. The key provision of the Official Plan is to allow zoning changes for relatively compatible uses without the need for an Official Plan Amendment.

21. "In considering all of the evidence, the Board has not changed its conclusion set out in the earlier decision that the adverse effects of these by-laws on the industries substantially outweigh any benefit to the public interest. In short, the Board considers these by-laws to have a substantial adverse effect on the industries for the reasons set out above. The Board also finds the proposed downzoning of the 100 metre strip to be based on arbitrary judgements, for the most part, being incapable of fulfilling the purposes for which it was chosen, and in this situation contributing to a false sense of security about protection which should be the responsibility of the Ministry of Environment and through other controls such as noise control by-laws available to the City."

Response

This is a value judgement which does not appear to relate well to the evidence presented at the hearing.

22. "In saying this, it is perfectly clear to the Board from the evidence that there are certain industrial operations which should not take place within the proposed buffer, or for that matter, for a substantial distance beyond such a buffer. Amongst such uses would be a Coke Oven, a Garbage Dump, a Paper Mill, and other large industrial uses listed in the proposed by-law, and the Board has no doubt that the landowners would accept the prohibition by by-law of a few of such obvious categories of use. Frankly, no one in his right mind would contemplate such uses on the lands in question."

Response

It is interesting that the Board feels that certain uses should be prohibited. However it is inconsistent with their conclusion. It is also unlikely that industry would be prepared to accept prohibition of such industry however unlikely it would be to occur. It might also be suggested in answer to the last sentence that not everyone is in their right mind according to O.M.B. standards.

23. "There was insufficient evidence to allow the Board to pick and choose from amongst the 41 categories, and in any event, none of the parties asked the Board to do so, and the Board is content to rely on the good judgement of potential users as well as the availability of ample government controls rather than downzoning to prohibit uses which quite clearly would never take place."

Response

The Board is unlikely to get more detailed evidence on set backs. The most thorough and sophisticated analysis that has ever been presented to the Board was there before them. There have been at least 100 industries in Hamilton downzoned in a similar way with little hard evidence. The Junction Triangle downzoning in Toronto which was similar in size and context was carried through on blind faith despite objections.

June 1985

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Doug McCaw moved and Chuck Towsley seconded a motion to confirm the minutes, as amended.

Carried.

2. David Godley, Manager of the Neighbourhood Section gave the Board a presentation on the industrial rezoning proposals of the Normanhurst Neighbourhood Plan. He highlighted:

- the Normanhurst Neighbourhood planning process;
- the implications of the Keith Zoning Buffer OMB decision; and,
- the five rezoning options, being explored by the Department for the affected industrial lands.

Discussion ensued on the following items:

- a clarification on H.H. Robertson's legal non-conforming status of the property was to be rezoned to "J";
- the appropriateness of excluding all Metal Products Manufacturing where cutting, shearing etc. and Chemical and Allied Products Manufacturing from (Appendix 2) the list of incompatible industry for Option 5. Concerns was raised that exclusion of these uses could eliminate small-scale metal producers and pharmaceutical productions whose operation may have negligible impact on the surroundings in terms of noise, vibration, dust and related environmental concerns;
- a confirmation was given on the technical analysis undertaken to derive the list of 41 incompatible industries for Option 5 and the approach used for the Keith Zoning Buffer; and,
- the release of the provincial policy statement on industrial uses and environmental concerns was determined to be as yet not scheduled for public review.

After much discussion, it was moved by Doug McCaw and seconded By Don Fraser that:

- i) Option #5 as modified to permit the existing uses on the four industrial properties as legal conforming uses(i.e. permitting H.H. Robertson "Metal Products Manufacturing"), be recommended to Planning and Development Committee as the most appropriate approach for the industrial rezonings in the Normanhurst Neighbourhood; and,
 - ii) that prior to the required public meeting for this rezoning approach, the Department together with the Business Land Use Advisory Board, meet with the principals of the four affected industrial uses.
- Carried.

3. The discussion with the Real Estate Department in the "Sale of City - Owned Lands Zoned M-12", was tabled until the next meeting of the Board.
4. The presentation by John Sakala on "Site Plan Control", was tabled until the next meeting of the Board.
5. Alex Georgieff, Division Head of Policy and Neighbourhood Planning advised members that Board's report on the motel/restaurant/retail proposal (CI-86-N) for the southwest corner of the Q.E.W. and Centennial Parkway was presented to the Planning and Development Committee on December 10, 1986.
6. Other business included:
 - a request for a staff presentation on the industrial policies in the Central Area Plan Update for the next meeting of the Board.
7. The next meeting of the Board is scheduled for Friday, January 23, 1987 at 9:30 a.m.
8. The meeting was adjourned at 10:55 a.m.

ACTION ITEMS

Item 2

- (a) The Planning and Development Committee be advised that the Board recommends Option #5, as modified to permit the existing industrial uses, as the most appropriate approach for the Normanhurst industrial rezonings.
- (b) The Board together with staff meet with the four affected industrial uses prior to convening the required public meeting.

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Carried.

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- (b) The Board together with staff meet with the four affected industrial uses prior to convening the required public meeting.



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ontario L8N 3T4

November 4, 1986

Refer to File No. P5-2-69
Attention of
Your File No.

MEMORANDUM

TO: Caroline Floroff
FROM: David Godley
RE: Normanhurst Neighbourhood Rezoning

The Business Land Use Advisory Board asked for input into the report to be presented to the Planning and Development Committee for their meeting on November 14, 1986.

I attach a map showing the subject area with the proposed changes in zoning and the companies affected. The following options are available to the City to deal with By-law 84-46.

1) SUPPORT EXISTING BY-LAW

Zoning - 'K' heavy industry zoning would be changed to 'J' general industry for Coca Cola, Union Gas, HH Robertson and Auto Wrecking Yard. 46 industrial uses would be eliminated from 490 permitted uses (see Appendix 1)

Public Meeting - No public meeting required.

2) DELETE INDUSTRIAL REZONINGS

Zoning - 'K' heavy industrial zoning would remain on Coca Cola, Union Gas, HH Robertson and Auto Wreckers Yard

Public Meeting - A public meeting would be required

.../2

3) DELETE INDUSTRIAL REZONING FROM HH ROBERTSON

Zoning - 'K' heavy industrial zoning would remain for HH Robertson but the zoning for other industries would be changed from 'K' heavy industry to 'J' general industry

Public Meeting - A public meeting would be required

Rationale - HH Robertson were the only official objectors to the industrial rezoning. The HH Robertson site is further away from housing than other industries

4) APPLY KEITH ZONING BUFFER CONCEPT

Zoning - 'K' heavy industrial zoning would be modified to eliminate 41 industrial uses out of 490 uses. The generic use would be permitted on a site specific basis eg. HH Robertson would be zoned to permit 'metal products manufacturing'. Site plan control would be applied.

Public Meeting - A public meeting would be required.

5) MODIFIED KEITH BUFFER ZONING APPLIED

Zoning - 'K' heavy industrial zoning would be modified to eliminate a number of incompatible uses. Other Keith buffer provisions would apply.

Keith Buffer OMB Decision Extract

'It is perfectly clear to the Board from the evidence that there are certain industrial operations which should not take place within the proposed buffer, or for that matter, for a substantial distance beyond the buffer. Amongst such uses would be a coke oven, a garbage dump, a paper mill and other large industrial uses!'

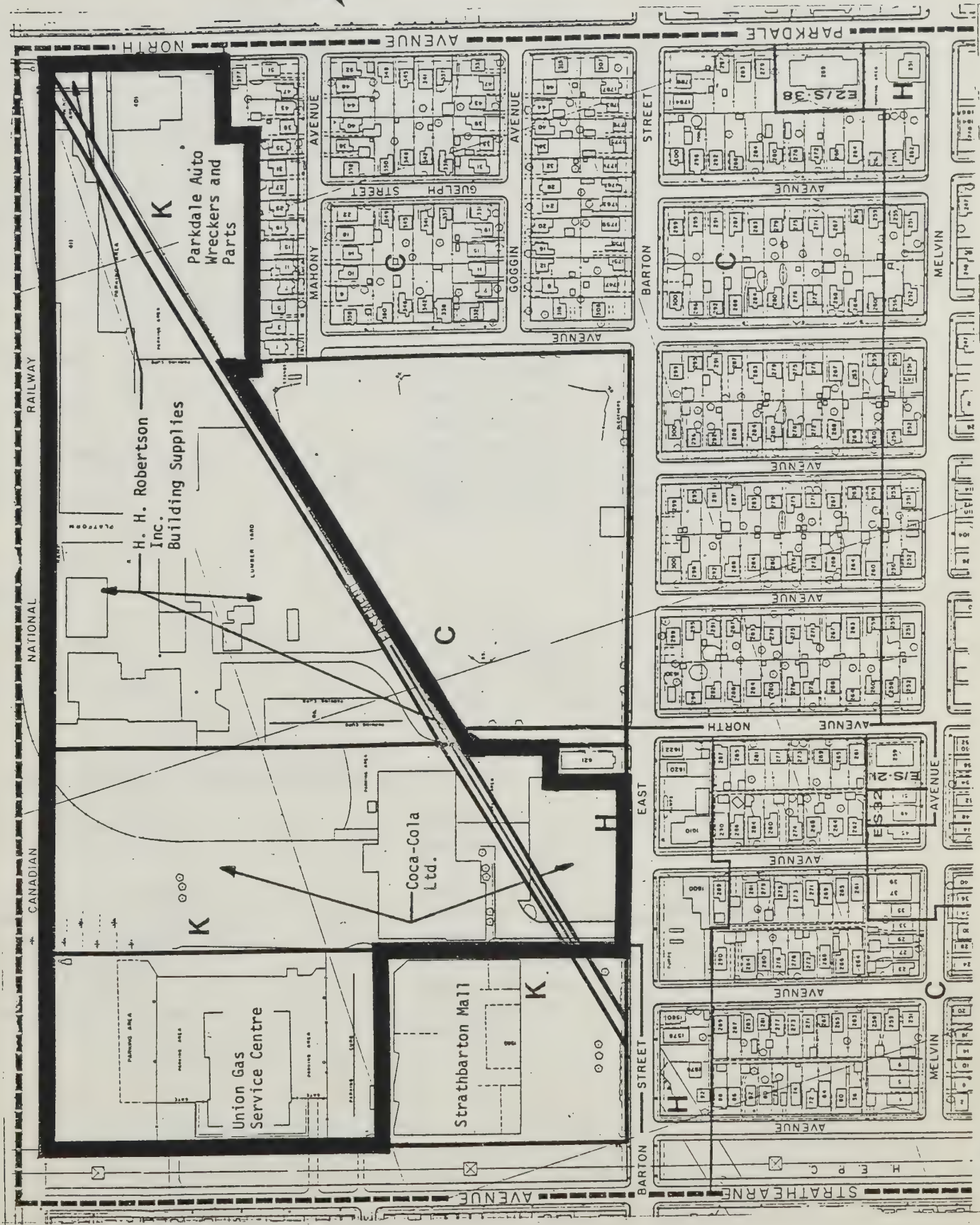
Analysis - An analysis of incompatible uses proposed is attached (see Appendix 2)

Public Meeting - A public meeting would be required.

DG:jd

David

NORMANHURST INDUSTRIAL REZONING



Subject Land For Proposed Zoning Change From 'H' or 'K' To 'J'

MINUTES

CITY OF HAMILTON

BUSINESS LAND USE ADVISORY BOARD

SPECIAL MEETING

APRIL 3, 1987

10:00 A.M.

ATTENDINGMembers

- | | | | |
|---------------------|----------|---|---|
| Alderman John Smith | Chairman | - | Chairman, City of Hamilton Planning and Development Committee |
| John Vogt | | - | District Officer, Ontario Ministry of Environment |
| Jim Thoms | | - | Commissioner of Planning and Development, Hamilton Wentworth Region |
| Chuck Towsley | | - | Hamilton Harbour Commissioners - appointed by the Chamber of Commerce |
| Doug McCaw | | - | McCaw Hall Inc. - representing the Chamber of Commerce |

REGRETS

- | | | |
|----------------|---|--|
| Don Fraser | - | Vice President, Hamilton and District Labour Council |
| Patrick Dillon | - | Hamilton-Brantford, Ontario Building and Construction Trades Council |

REPRESENTATIVES FROM NORMANHURST INDUSTRIES

- | | | |
|--------------------|---|--|
| Mr. V. Sucharda | - | President, H. H. Robertson Inc. |
| Mr. John Whyman | - | Secretary and Corporate Controller, H. H. Robertson Inc. |
| Mr. Earl Cranfield | - | Solicitor for H. H. Robertson Inc. |
| Mr. Ross D. Parker | - | Operations Manager, Union Gas Ltd. |
| Mr. J. Leishman | - | Coca Cola Ltd. |
| Mr. Roy Burkitt | - | General Foreman, Coca Cola Ltd. |
| Mr. Bob Wallace | - | Assistant Area Manager, Coca-Cola Ltd. |
| Mr. John Pederson | - | Vice-President, Parkdale Auto Parts and Supply |

STAFF/GUESTS

Victor Abraham	-	Director of Local Planning
Alex Georgieff	-	Division Head, Policy and Neighbourhood Planning
David Godley	-	Manager, Neighbourhoods Section
Caroline Floroff	-	Planner, Policy Planning and Analysis Section
John Robinson	-	Community Development Dept.

1. Doug McCaw took the Chair in the Chairman's absence for introductions of staff, Board members and the representatives of the industries in Normanhurst. Upon arrival, Alderman Smith assumed the Chair for his introductory remarks. He clarified the purpose of the meeting and stressed that the Board wanted to hear comments from the affected industries and that the proposal being presented has not received Committee or Council approval and was still flexible at this point in time.
2. David Godley gave an historical perspective of the neighbourhood planning exercises along the residential/industrial interface including Normanhurst Neighbourhood and the Keith area. The five options in implementing the Normanhurst Official Plan and zoning by-law amendments, as detailed at the Board's meeting of December 19, 1986 were highlighted for the benefit of the representatives of the affected industries.
3. The Chairman opened the meeting for discussion. A number of questions were raised and answered by staff as follows:
 - Q. What was the difference between this proposal for Normanhurst and what was proposed for the Keith area?
A. It is essentially the same;
 - Q. If a legal non-conforming use wanted to expand onto an adjoining property would a rezoning be required?
A. Yes, expansion can only take place on present property;
 - Q. What ancillary uses would be permitted?
A. All ancillary uses would be permitted. This could be clarified in the amending by-law;
 - Q. What controls, other than zoning, could control noxious uses such as asphalt or acid manufacture?
A. John Vogt explained that the MOE primarily deals with emissions control but cannot deal with other matters such as visual intrusion, fugitive emissions, accidents, traffic, etc.; and,

- Q. Can the MOE refuse a permit?
- A. Yes, if the proposal does not meet the Ministry's standards. There is also an appeal process.

In addition, the following comments were made:

- there may be problems in the interpretation of the permitted uses, including ancillary uses;
- the OMB clearly did not support the Keith proposal, and on this basis the proposal for Normanhurst should not be endorsed;
- H. H. Robertson and Parkdale Auto wants to maintain the existing "K" zoning;
- some uses should still be removed from the "K" zone from a danger perspective, however, maybe not all 41 uses as proposed;
- the means of determining the uses that shouldn't be permitted was seriously questioned at the Keith O.M.B. and since the same means were used for Normanhurst, they must also be questioned;
- the 41 uses to be prohibited may limit expansion possibilities of the existing industries onto adjoining sites;
- no complaints from the adjacent residents in Normanhurst concerning the industry are known;
- certain uses are undesirable adjacent to residential areas. Several uses permitted in the "K" and "J" zones are not permitted at all in some municipalities. If the existing industries were to relocate elsewhere, they would have difficulty finding a municipality where the use was permitted;
- the 41 uses to be prohibited will limit uses the existing industry may not find desirable;
- Union Gas mentioned that they have spent a great deal in providing infrastructure to serve the existing industry and would lose money if these industries were to relocate; and,

- Coca-Cola expressed concern that they may wish to expand their operation to include recycling and crushing which may not be permitted.
- 4. The Chairman thanked everyone for attending the meeting and advised that the Board will deal with this matter at their next meeting.
- 5. The meeting was adjourned at 12:10 p.m.

C.F.:nd

W.P. DOC. 0464P

MINUTES

CITY OF HAMILTON

BUSINESS LAND USE ADVISORY BOARD

APRIL 24, 1987

9:30 a.m.

Attending Members

- Alderman John Smith - Chairman, City of Hamilton Planning and Development Committee
- Doug McCaw - McCaw Hall Inc. - representing the Chamber of Commerce
- John Vogt - District Officer, Ministry of Environment
- Chuck Towsley - Hamilton Harbour Commissioners - appointed by the Chamber of Commerce
- Scott Galbraith - Business Development Officer - Regional Economic Development Department

Guest: -

Mayor Robert Morrow - Mayor, City of Hamilton

Staff

- Victor Abraham - Director, Local Planning - Hamilton-Wentworth Region
- Alex Georgieff - Division Head, Policy and Neighbourhood Planning - Hamilton-Wentworth Region
- Caroline Floroff - Planner, Policy Planning - Hamilton-Wentworth Region

Absent

- Patrick Dillon - Hamilton-Brantford Ontario Building and Construction Trades Council
- Jim Thoms - Commissioner, Planning and Development Department - Hamilton-Wentworth Region
- Don Fraser - Vice-President, Hamilton and District Labour Council

1. The Chairman called for confirmation of the minutes of the Board's meetings of February 20, 1987, and April 3, 1987. It was moved by Doug McCaw and seconded by John Vogt that the minutes be adopted as written. Doug McCaw questioned the status of the Board's recommendation to the Planning and Development Committee on Site Plan Control. Staff advised that Planning and Development Committee requested the Department to prepare a preliminary evaluation looking at the merits and shortcomings of the City-wide application of Site Plan Control.

2. The Chairman introduced Mayor Morrow and asked for his comments on the proposed rezoning for the industries in Normanhurst Neighbourhood. The Mayor expressed concern over "downzoning" industry in general, and specifically as it applied to this area. He felt it did not recognize the changing economy, it limited expansion of existing industry and it negatively effects land values. The philosophy of downzoning is outdated in today's context. The City needs to encourage small business and provide room for them to expand. The Chairman thanked the Mayor for his comments on this matter and advised that the Board would give them serious consideration.

Chuck Towsley agreed that from a planning perspective the modified "K" zoning, as was recently endorsed by the Board, was the most appropriate alternative, however, he agreed with many of the points made by the OMB in its decision on the Keith rezonings. He has rethought his position on this matter and in light of the industries response to the modified "K" zoning, he now supports reintroducing the original "K" zoning.

Doug McCaw expressed agreement with this position, as well as concern that the Keith OMB decision was not made available sooner to the Board.

John Vogt pointed out that the Keith OMB decision put a lot of weight on the Ministry of Environment's legislation. He felt that this was not planning legislation and could not prevent the location of industries that would be considered noxious by adjacent residents.

Chuck Towsley moved a motion to advise the Planning and Development Committee that the Board did not support the rezoning of the industries in Normanhurst from 'K' to 'J', and that the 'K' zoning should be reintroduced. Staff advised that a public meeting would have to be held and that the current by-law would have to be rescinded. The motion was seconded by Doug McCaw and passed. John Vogt did not support the motion.

3. Staff reviewed the recent development applications received by the Planning and Development Department including:
 - a) ZA-87-23 - a rezoning application at 185, 187, 189 and 191 Hess St. North from 'JJ' to (Restricted Industry) to permit a three-storey building with ground floor commercial and residential above. This application has been circulated and is awaiting comments. No date for Planning and Development Committee consideration has been determined;

- b) ZA-87-25 - a rezoning application on the east side of Kenora Avenue, south of Barton Street from 'L-pn' (Institutional) and 'JJ' (Restricted Industry) to 'C' (Single-Family Residential). Only a small portion at the northeast corner is zoned 'JJ'. This application has been circulated and is awaiting comments. No date for Planning and Development Committee consideration has been determined; and,
 - c) DA-87-10 - a Site Plan Control Application on the west side of Upper Ottawa Street, south of Rymal Road for a hot mix asphalt plant. This application had been tabled at April 1, 1987, Planning and Development Committee and it is to be considered at the April 29, 1987 meeting. There was some discussion and concern expressed as to the nature of such a use being permitted in a "prestige" industrial district and that outside storage was also permitted. On this basis, the Board agreed to recommend to the Planning and Development Committee that the proposed development be landscaped and bermed to hide the stock piles on site.
4. Staff advised that the Planning and Development Committee received the Board's report concerning the sale of lands zoned M-12 at their February 25, 1987 meeting.
 5. Staff advised that Planning and Development Committee at their March 11, 1987, meeting directed staff to prepare a preliminary evaluation of the pros and cons of City-wide application of Site Plan Control in response to the Board's concern expressed on this matter.
 6. The Board has advised that staff was not available for the presentation on the improvement on Main Street West. This item will be on the agenda for the next meeting.
 7. Staff advised that the Department is undertaking a study to review the permitted uses in the M-15 District. This study arose out of a concern expressed by Alderman Cowell that asphalt plants were a permitted use. This study is currently under way and should be completed in two to three months. Scott Galbraith stated he expected that the remaining five to six acres will be sold before the study is completed. Victor Abraham suggested that this Board could recommend to the Planning and Development Committee that the City not sell any of its lands in this area until this study and its recommendations had been dealt with by the Committee. The Board agreed with this suggestion and it was so moved by Chuck Towsley and seconded by John Vogt. Staff was directed to prepare a resolution for the Chairman to take to the next Planning and Development Committee meeting April 29, 1987.
 8. The Chairman asked for items under other business. Doug McCaw noted that the economy was making a transition from industry to offices and commercial activity and that the City's mentality should be shifting in this direction as well. At present, the City does not offer an easy way to facilitate such change as happened in the previous urban renewal schemes of the 1960's. This City offers many positive advantages such as lower rents, affordable housing and the prospect of full GO-Train service to the east. It also offers tremendous redevelopment opportunities (e.g. King and James). How can we facilitate this change easily to encourage attractive development and be proactive rather than reactive. Discussion on this issue centred around:

- the role of the Downtown Action Plan Co-ordinating Committee;
- regional economic strategy; and,
- update of the Central Area Plan now underway.

Doug McCaw suggested a "brain storming" session on this matter for the next meeting. Staff suggested a presentation on the Region's economic strategy might be useful. Scott Galbraith said that he could review the implementation strategy for the economic strategy. The Board agreed that a presentation be made at the next meeting on the Region's economic strategy, along with the implementation strategy and a discussion on the matter.

9. The next meeting is scheduled for May 15, 1987, at 9:30 a.m. in Room 233.
10. The meeting was adjourned at 11:15 a.m.

ACTION ITEMS

Item 1

The Planning and Development Committee be advised that Business Land Use Advisory Board recommends that the 'K' zoning be introduced on the industrial area in the Normanhurst Neighbourhood and that the by-law rezoning the lands from 'K' to 'J' be rescinded and the necessary public meeting be held.

Item 3 (c)

The Planning and Development Committee be advised of the Business Land Use Advisory Board's concern regarding the provision of outdoor storage in M-15 districts during a discussion of DA-87-10 (west side of Upper Ottawa Street, south of Rymal Rd.). Accordingly, the Board recommends that the proposed development be landscaped and bermed to hide the stock piles proposed for the site.

Item 7

Staff was directed to prepare a resolution for the Chairman to take to the Planning and Development Committee meeting April 29, 1987, recommending that the City not sell any of its lands zoned 'M-15', until the review of the permitted uses in the 'M-15' Districts (now underway) has been dealt with by the Planning and Development Committee.

Item 8

Staff were requested to make a presentation on the Region's economic strategy for the Board's next meeting. Scott Galbraith will present the "implementation strategy" on this matter.



MUNICIPALITY OF HAMILTON-WENTWORTH

CITY ENGINEER

CITY OF HAMILTON, ONTARIO L8N 3T4

October 5, 1983

Reference: P5-2-69K

Attention:

City Engineer

KEITH ZONING BUFFEREssence of the Proposal

Forty-one uses will be removed from the "K" District on the edge of the Keith area. The list of uses is as follows:

1. Acid Manufacture and Storage
2. Ammonia Manufacture and Storage
3. Asbestos Products Manufacture
4. Asphalt and Asphalt Products Manufacture
5. Carbon Manufacture
6. Cement Manufacture
7. Chemical and Allied Products Manufacture
8. Chlorine and Chlorine Bleaches Manufacture
9. Coke Oven
10. Non-Ferrous Metals Manufacture and Corrosion
11. Distillation Plant
12. Fertilizer Manufacture
13. Firework Manufacture
14. Feed Mill
15. Fish Packing Plant
16. Flour Mill
17. Fuel Storage Tank
18. Garbage Dump
19. Gas Plant
20. Glue Manufacture
21. Incinerator
22. Insecticide Manufacture
23. Lampblack Manufacture
24. Metal Products Manufacture Where Cutting, Shearing, Hammering, Rolling, Stamping, or Grinding Operations Take Place
25. Nitrating Plant
26. Paints and Varnish Manufacture
27. Paper Mill
28. Petroleum and Petroleum Products Manufacture
29. Potash Manufacture
30. Primary Metals Plant

31. Propane Gas Manufacture or Storage
32. Pyroxylin Manufacture or Storage
33. Rayon Manufacture
34. Rock Crushing Plant
35. Sawmill
36. Salvage Yard Where Shredding and Crushing Operations Take Place
37. Slaughter House and Stock Yard
38. Soaps and Detergents Manufacture
39. Tallow Rendering Plant
40. Tannery
41. Tar and Tar Products Manufacture;

- The area of the proposed by-law will be the same as last time i.e. basically withing 100 metres of the edge of the Keith Neighbourhood. The area affected includes part of Otis, the City park at the corner of Wentworth North and Mars, Sam's Auto Wrecking, Denningers, Amcan, Wilkinson and Kompass, and the Allan Candy Company property on Wentworth Street North;
- Existing industries will be permitted under the Zoning By-Law and will be allowed to expand on site. No legal non-conforming uses will be created;
- The Official Plan will identify a special policy area for the Zoning By-law;
- The Official Plan will specifically identify each of the uses prohibited in the by-law; and,
- The Official Plan will have policies outlining conditions under which exceptions can be made to prohibited uses. Consideration will be given to exceptions where the use can be shown to be relatively compatible with the Keith Neighbourhood through:
 - i) site layout;
 - ii) physical design of buildings;
 - iii) sub-classes of use within each of the 41 uses;
 - iv) particular kinds of process; and,
 - v) any combination of the above.

Exceptions will be through Zoning By-law Amendment, which will include provisions for ensuring compatibility.

NORMANHURST NEIGHBOURHOOD - Industrial Rezoning

ANALYSIS OF INCOMPATIBLE INDUSTRY

The following 41 uses were identified in the zoning by-law as being the most incompatible with neighbourhoods during the preparation of the Keith Zoning Buffer proposal.

Evaluation P = Problematic (8) PP = Very problematic (13)
PPP = Exceptionally problematic (21)

Set Back Recommended by Ministry of the Environment in metres

Danger H = Health X = Explosion

Evaluation		Set Back	Danger
PP	1. Acid Manufacture and Storage	300	
PPP	2. Ammonia Manufacture and Storage	300	H
PPP	3. Asbestos Products Manufacture	90	H
PP	4. Asphalt and Asphalt Products Manufacture	300	
PPP	5. Carbon Manufacture	1000	
PP	6. Cement Manufacture	300	
PP	7. Chemical and Allied Products Manufacture	300	
PPP	8. Chlorine and Chlorine Bleaches Manufacture	300	H
PPP	9. Coke Oven	1000	H
PPP	10. Non-Ferrous Metals Manufacture and Corrosion	1000	H
PPP	11. Distillation Plant	1000	
PP	12. Fertilizer Manufacture	300	
PPP	13. Firework Manufacture		X
P	14. Feed Mill		
P	15. Fish Packing Plant	90	
P	16. Flour Mill		
PPP	17. Fuel Storage Tank		X
PPP	18. Garbage Dump		H
PPP	19. Gas Plant	300	X
P	20. Glue Manufacture	90	
PP	21. Incinerator	300	
P	22. Insecticide Manufacture	90	
PPP	23. Lampblack Manufacture	1000	X
P	24. Metal Products Manufacture Where Cutting, Shearing, Hammering, Rolling, Stamping, or Grinding Operations Take Place	90	
PPP	25. Nitrating Plant	300	X
PP	26. Paints and Varnish Manufacture	300	
PPP	27. Paper Mill	1000	
PPP	28. Petroleum and Petroleum Products Manufacture	1000	
PPP	29. Potash Manufacture		X
PPP	30. Primary Metals Plant	1000	

PPP	31.	Propane Gas Manufacture or Storage		X
PPP	32.	Pyroxylin Manufacture or Storage		X
PP	33.	Rayon Manufacture	300	
PP	34.	Rock Crushing Plant	1000	
PP	35.	Sawmill	300	
P	36.	Salvage Yard Where Shredding and Crushing Operations Take Place	90	
PP	37.	Slaughter House and Stock Yard	300	
PP	38.	Soaps and Detergents Manufacture	300	
PPP	39.	Tallow Rendering Plant	1000	
P	40.	Tannery	90	
PPP	41.	Tar and Tar Products Manufacture	1000	

WPD0C 3141

F O R A C T I O N

FROM: Planning and Development Department

DATE: September 21, 1987

T0: Planning and Development Committee

Refer to File No. 25T-87022

SA-87-17

Gurnett

Neighbourhood

Attention V. J. Abraham

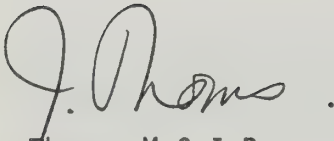
SUBJECT

Application to the Region for the approval of a draft plan of subdivision, Regional File No. 25T-87022, City of Hamilton File No. SA-87-17, to establish 59 lots for single-family dwellings and three blocks for future development.

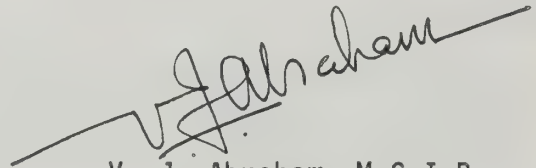
RECOMMENDATION

- a) That approval be given to Application SA-87-17, Frank Husack Ltd. & Di Cenzo Construction Co. Ltd., Owners, to establish a draft plan of subdivision north of Stone Church Road West, east of Amalfi Street, south of Greencedar Drive and west of Greenguild Avenue, subject to the following conditions:
1. That this approval apply to the plan prepared by A. J. Clarke & Associates Ltd. dated June 10, 1987 revised to show 58 lots, three blocks for development in conjunction with adjoining lands, a 100 m radius for the road at the front lot line of lots 55 and 56 and a road south of Gurnett Drive.
 2. That the road allowances be dedicated as public highways on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform with the Zoning By-law approved under The Planning Act.
 5. That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 7. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot in the final plan.

8. That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
9. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
 - a) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-17) F. Husack Ltd. and Di Cenzo Construction Company Ltd., owners, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

OWNER

Frank Husack Ltd. and Di Cenzo Construction Co. Ltd., Hamilton, Ontario

SURVEYOR

A. J. Clarke & Associates Ltd., Hamilton, Ontario

LOCATION

The lands, comprising 3.411 ha, are located north of Stone Church Road West, east of Amalfi Street, south of Greencedar Drive and west of Greenguild Avenue, in the Gurnett Neighbourhood, being part of lot 55, Concession.3, Township of Ancaster, now in the City of Hamilton.

PROPOSAL

The owner proposes to subdivide the lands into 59 lots for single-family dwellings and three blocks for development with adjacent lands.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential - attached housing, single and double". The proposal complies.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned for the proposed development. The proposal complies.

COMMENTS FROM CIRCULATION

The following agencies have advised that they have no comment or objection toward the proposal:

Ministry of Municipal Affairs
Ministry of Transportation and Communications
Ministry of the Environment
Ministry of Citizenship and Culture (subject to standard condition)
Niagara Escarpment Commission
Hamilton Region Conservation Authority
Ontario Hydro, Union Gas, Bell Canada
City of Hamilton Board of Education
City of Hamilton Traffic Department
City of Hamilton Building Department

The Hamilton-Wentworth Department of Engineering has submitted the following comments and recommendations:

- "1) The proposed subdivision can generally be serviced to the existing sanitary and storm sewers located at the easterly limit of the subdivision. Lots 23, 24 and 56 can be serviced directly into the existing services on Amalfi Drive.
- 2) The proposed subdivision can be serviced to existing watermain located on the abutting streets.

- 3) The Developer is to acquire from the City of Hamilton and incorporate into the plan of subdivision, the 0.3 metre reserve known as Block "I" on Plan 62M-221 which is adjacent to Amalfi Drive.
- 4) The 0.3 metre reserves known as Block "56". Plan 62M-377 and Parts 2 and 3, Plan 62R-8403 are to be incorporated into the respective road allowances in conjunction with the registration of the Final Plan of Subdivision.
- 5) The property line radius of the road allowance in front of Lots 55 and 56 be increased to a 100 m radius as shown on the attached plan.
- 6) The proposed draft plan be amended in accordance with the neighbourhood plan in the vicinity of Lot 57 and Block 62.
- 7) The applicant is to enter into subdivision agreements with both the Region of Hamilton-Wentworth and the City of Hamilton prior to any development of these lands.
- 8) The proposed draft plan dated June 2, 1987 and prepared by A. J. Clarke & Associates is satisfactory to the Departments of Engineering and Transportation Services subject to the above-noted comments and recommendations.

For your information:

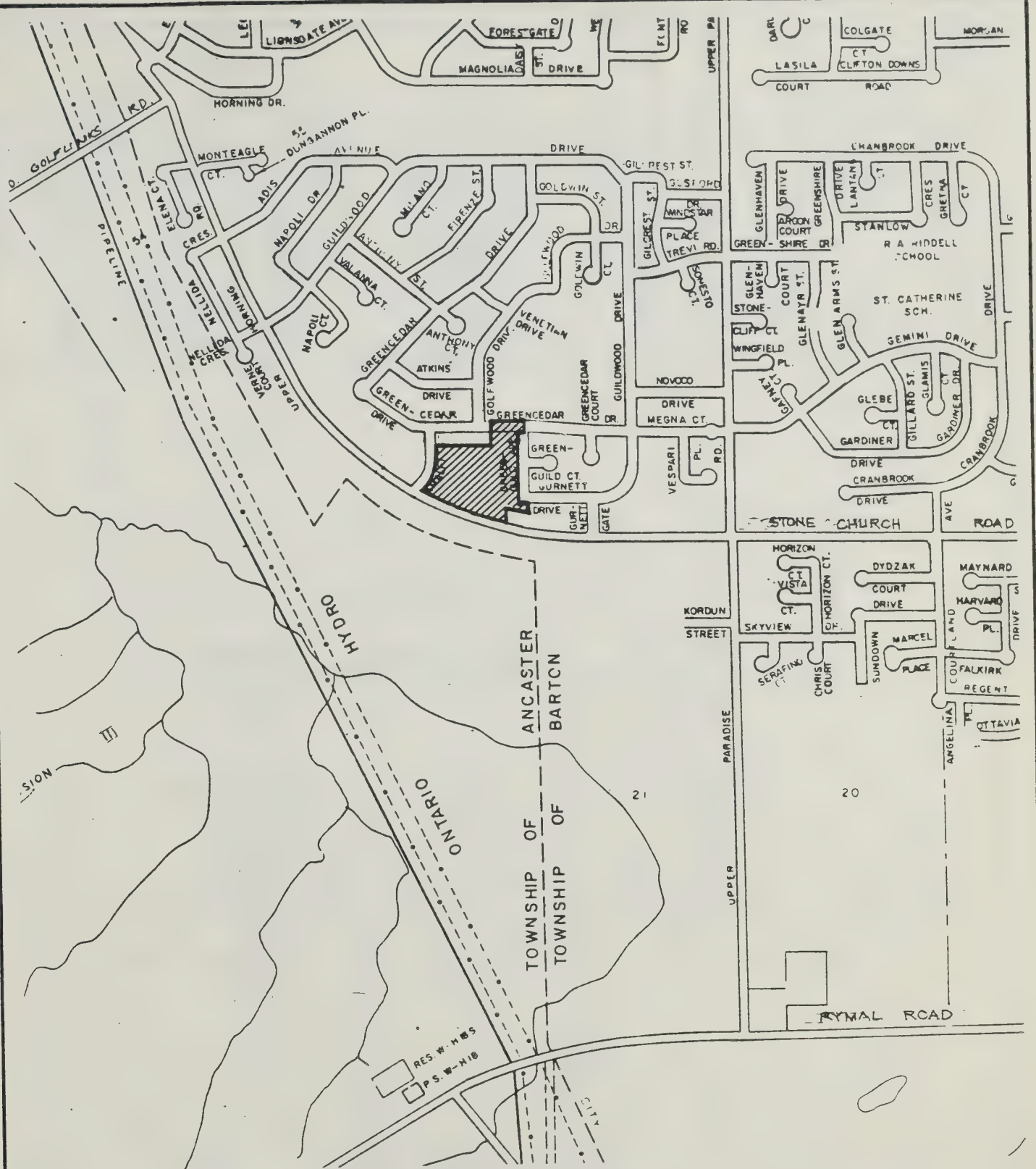
Regional share for services is estimated to be \$10,000;

The acquisition and relocation of the streets in the vicinity of Lots 57 to 59 is required to implement the neighbourhood plan. This has been approved by City Council. A sketch of the street layout has been enclosed for your information.

A more detailed plan of the proposed streets can be obtained from the Regional Survey Section."

COMMENTS

1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.
2. As no part of the subject lands is designated for park and recreational use on the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
3. The proposed plan was revised to show a radius of 100 m along the front lot line of Lots 55 and 56 and by providing a link between Upper Horning Road and Stone Church Road as shown on the approved Neighbourhood Plan.
4. The requirement of the Ministry of Citizenship and Culture can be implemented through the condition of draft approval by the Regional Municipality.



Location Plan For

ALMAS GARDENS

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

1" = 1000'

Reference File No.

25T-87022

Date

JUNE 24, 1987

Drawing No.

20.

FOR INFORMATION

FROM Planning and Development Department

DATE October 7, 1987

TO Planning and Development Committee

Refer to File No. DA-87-63
 DA-87-59
 DA-87-81

Attention Of V. J. Abraham

BACKGROUND

That attached Site Plan Control Applications have been approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

JPS/jd

F O R A C T I O N

FROM Planning and Development Department DATE September 15, 1987
TO Planning and Development Committee Refer to File No. DA-87-63
 RIVERDALE WEST
 NEIGHBOURHOOD
 Attention Of V. J. Abraham

PROPOSAL

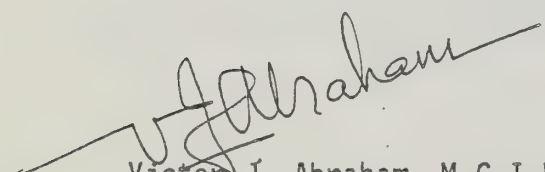
Plans have been submitted for a pylon sign at 29 Delaware Drive. The sign will display the Mac's Convenience Store logo.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-63 by Douglas L. Nash, owner of the lands at 29 Delaware Drive for a pylon sign subject to the following:

- a) the location of the proposed pylon sign does not interfere with required parking spaces or vehicular access;

and further that the owner be exempt from signing the required undertaking.

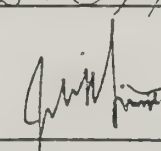

Victor J. Abraham, M.C.I.P.
Director of Local Planning

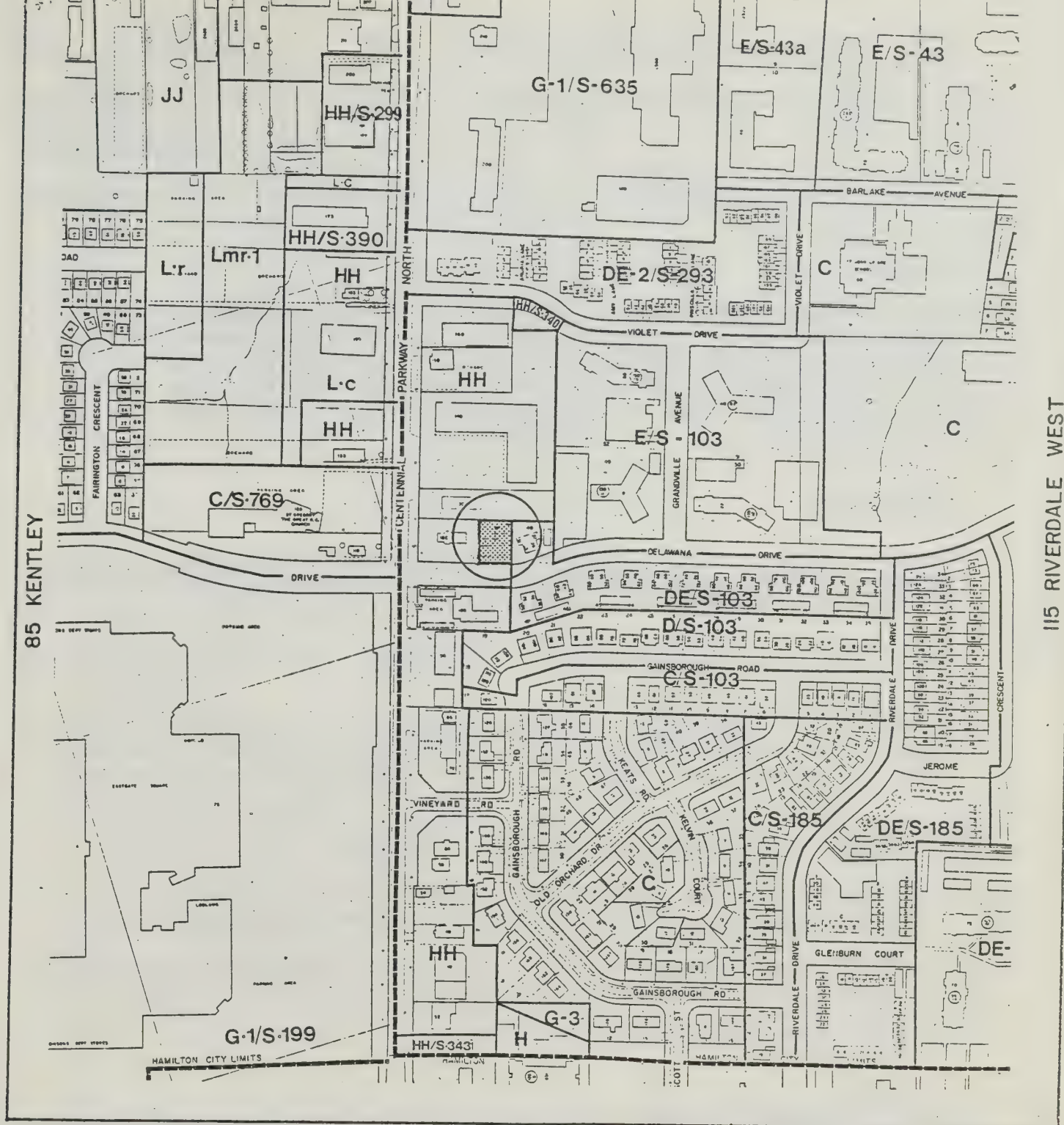
Approved On:

Alderman John Smith
Chairman

Alderman Reg Wheeler
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

Sept. 24/87

Reg Wheeler



PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-63

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
JUNE, 1987

Reference File No.
DA-87-63

Drawing No.
87-H-63

F O R A C T I O N

FROM Planning and Development Department

DATE September 28, 1987

TO Planning and Development Committee

Refer to File No. DA-87-81
HANNON NORTH
NEIGHBOURHOOD

Attention Of V. J. Abraham

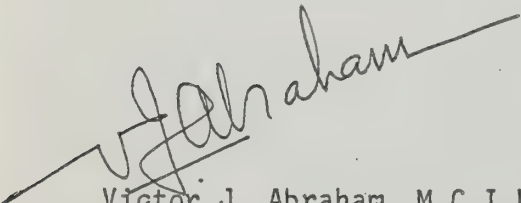
PROPOSAL

Plans have been submitted for the expansion of the existing industrial building on Lots 18, 19, 24 and 25 Bigwin Road.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-81 by Cue Properties Ltd., owner of Lots 18, 19, 24 and 25 Bigwin Road for industrial expansion to the existing buildings subject to the following:

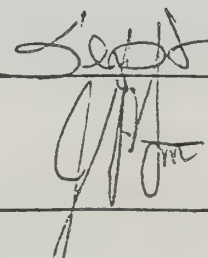
- a) modification to the plans related to dimensions, notes, landscaping, visual barrier and access as marked in red on the plans.

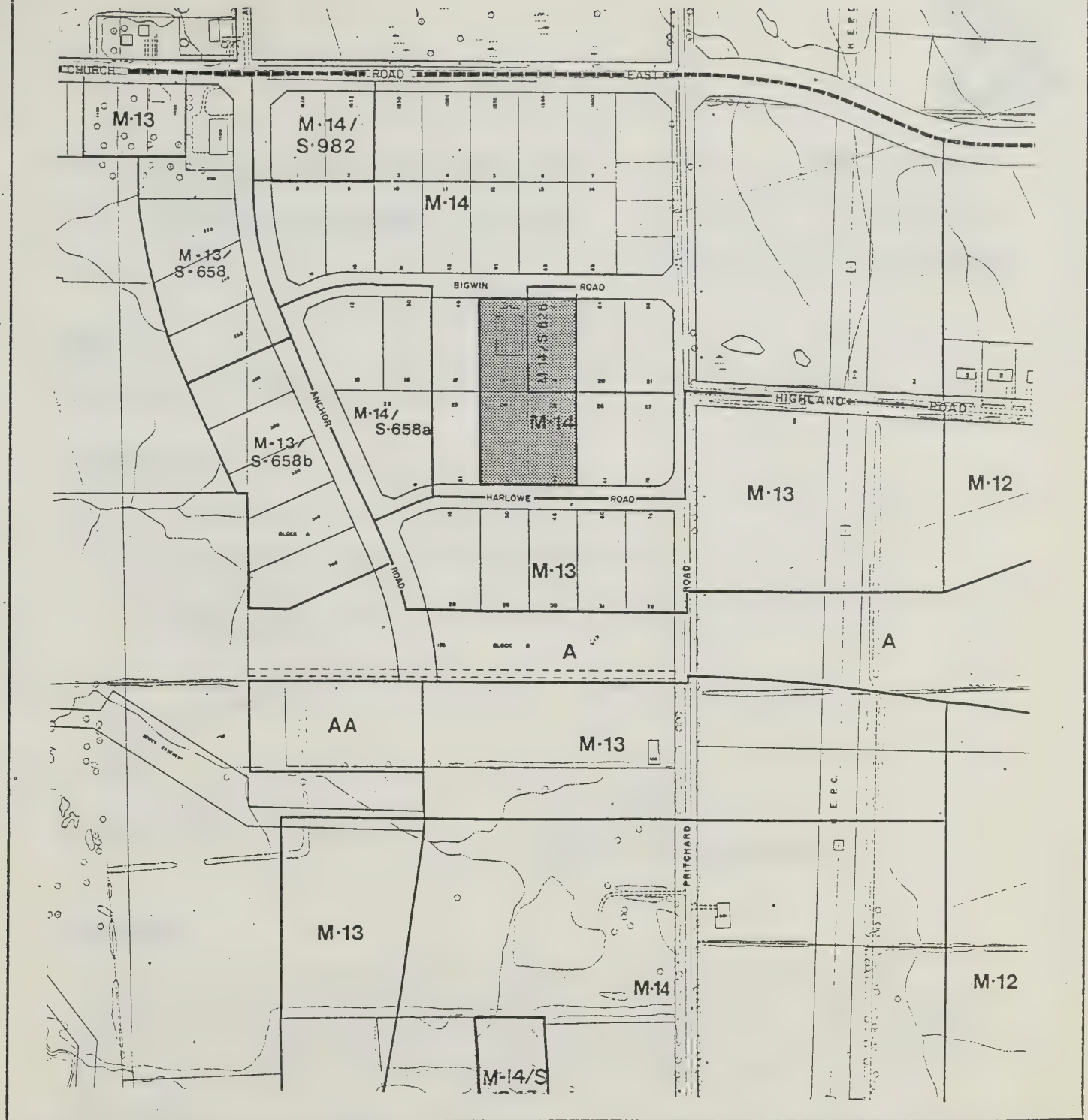

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman and Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P


Sept. 30 / 87



PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-81

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
AUG. 1987

Reference File No.
DA-87-81

Drawing No.
87-H-

21.

FOR INFORMATION

FROM Planning and Development Department

DATE August 26, 1987

TO Planning and Development Committee

Refer to File No. P5-5-3-2

Attention of V.J. Abraham

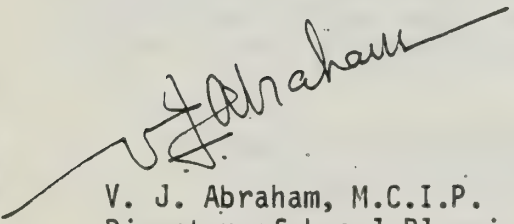
SUBJECT

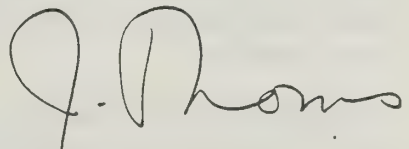
Inventory of Municipal and Regional Industrial Lands in Hamilton.

RECOMMENDATION

That the Planning and Development Committee:

- i) receive this report for information; and,
- ii) forward this report to the Business Land Use Advisory Board for their information.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

On July 23, 1987 a report on the Inventory of Municipal and Regional Industrial Lands in Hamilton was presented to the Executive Committee. The Committee received the report and suggested that a revised report providing information and statistics on the City's and Region's Industrial lands in Hamilton be forwarded to the Planning and Development Committee for their information.

EXECUTIVE SUMMARY

The analysis comparing the sales of industrial lands to the inventory in the City's and Region's Industrial Parks in the City of Hamilton has revealed that:

- the majority of sales have been in "heavier" industrial zoning districts;
- the existing zoning categories appear to adequately permit industrial and business-related uses;
- sales have been high in the Kenora Industrial Park, possibly due to its superior highway access and exposure;
- almost half (45%) of recent land sales (by land area) have been for non-industrial land uses. Only 8.1% of sales have been for manufacturing uses;
- there are 136.55 acres of Industrial lands remaining in the City's and Region's Industrial Parks within Hamilton. Based on the absorption of land over the past two to five year period, this is a nine to twenty year supply;
- The majority of available municipally owned industrial lands in Hamilton are in the East Mountain Industrial Park; and,
- the City's Municipal industrial land banking program compares favorably with other municipal programs.

REPORT

a) Introduction

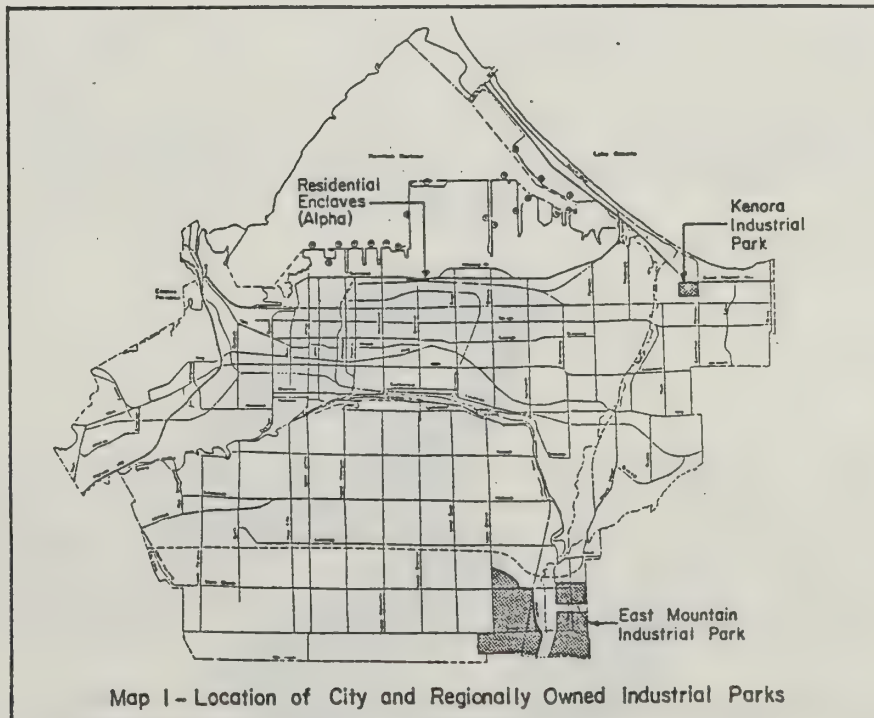
The purpose of this report is to examine the characteristics of the municipal industrial lands recently sold and to compare them with the characteristics of the lands available in the remaining municipal inventory.

The report also examines current municipal land use controls (Official Plan policies and zoning by-laws) and municipal property sales to determine if they are effective in providing the quantity, quality and type of industrial development desired by the City.

b) Municipal Industrial Lands

There are three areas where the Region and City are selling industrial land in Hamilton: The East Mountain and Kenora Industrial Parks and the "Residential Enclaves" (Map 1). In 1985 and 1986, 26 parcels of land comprising 31.97 acres* were sold in these Industrial Areas, for a total sale price of approximately \$2,402,000.00.

Map 1



* Includes lands sold but which have not yet closed.

c) Zoning

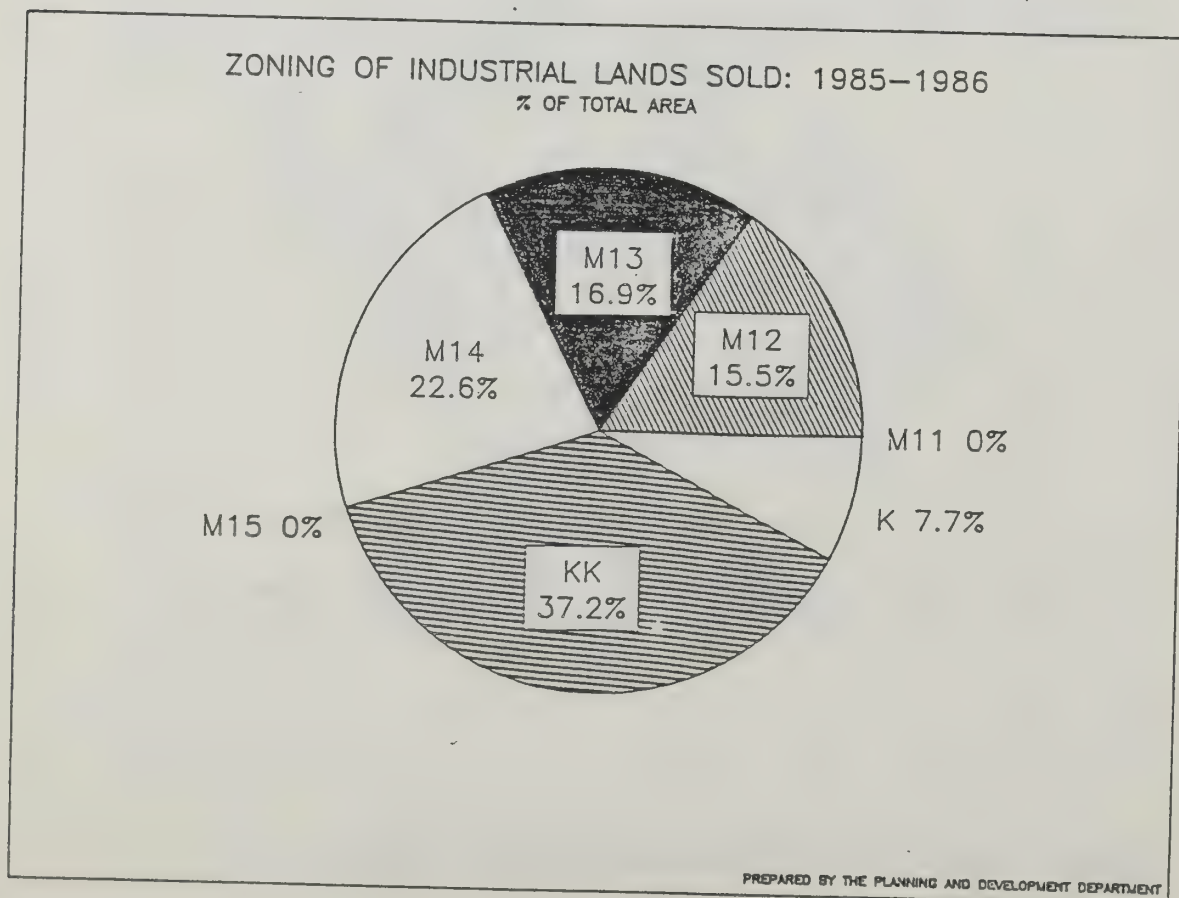
The lands recently sold in the City's and Region's Industrial Areas are affected by a number of industrial zones. The Industrial zoning district beginning with an "M" are "Prestige Industrial" districts. Generally, the "M11" is the most restrictive in terms of permitted uses allowed. The districts become progressively less restrictive as their "M" number increases.

In addition to permitting industrial uses, the "M" Districts also permit a number of business-related uses such as warehousing, offices, financial uses, etc. The "KK" and "K" Districts are "Restricted Heavy Industrial" and "Heavy Industry" Districts that allow much more intensive industrial uses than the "M" Districts.

As Figure 1 shows, the majority of lands sold have been in the less restrictive "M14" and "KK" Districts. The chart seems to indicate that there is a demand for heavily-zoned industrial lands. However, there are a number of reasons why this is not necessarily the case.

Firstly, all of the lands zoned "KK" (Restricted Heavy Industrial) are located in the Kenora Industrial Park which has a superior location (adjacent to the Q.E.W.) in comparison to the East Mountain Park. The Kenora Park offers a highly accessible and visible location.

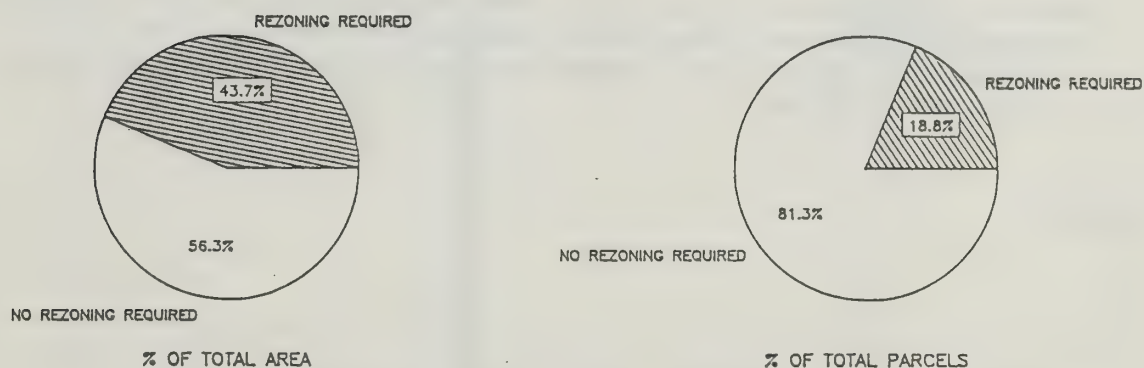
Figure 1



Secondly, most of the recent sales in the Kenora Industrial Park have not been for "heavy" industrial-type land uses. Instead, they have been for warehousing, the sales and services of industrial equipment, and a hotel/retail complex. These "light" industrial and commercial uses did not require the Restricted Heavy Industrial "KK" zoning.

Figure 2

PROPERTIES REQUIRING REZONING —
INDUSTRIAL PROPERTIES SOLD IN HAMILTON: 1985-1986



NOTE: Prepared by Planning and Development Department.

Rezoning was required on 44% of the 32 acres of municipal industrial lands sold in 1985 and 1986 (figure 2 - left pie chart). However, two land extensive parcels, representing 11.85 acres required rezonings to permit a detention centre and a hotel-retail complex. If the municipal industrial land sales are examined in terms of the total number parcels sold, only 19% of the 26 parcels sold required rezonings (figure 2 - right pie chart).

The majority of the lands that required rezoning were to permit non-industrial or business related land uses or to permit lands uses that could have been accommodated on nearby appropriately zoned municipally owned lands.

In general, the existing zoning on the City's and Region's industrial lands appears to meet the needs of industrial and business-related uses. The re-zonings were only necessary to permit non-industrial business-related uses and uses that would have been allowed without rezoning on other nearby municipally owned lands.

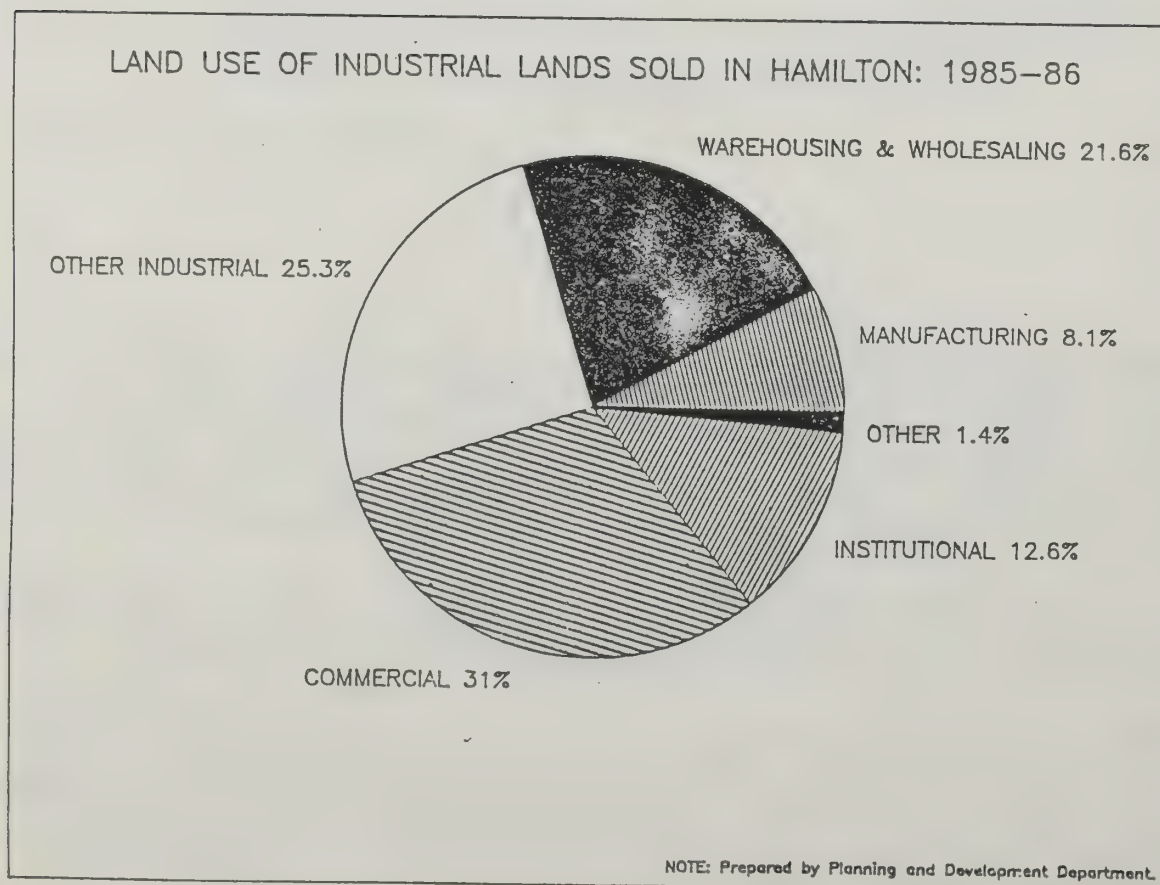
d) Land Use

A review of the eventual land use of municipally owned industrial properties recently sold, as shown in Figure 3 and Table "A" in the Appendix reveals that:

- traditional manufacturing accounted for only 8.1% of total land area sales;
- warehousing and wholesaling uses (including retail/wholesaling concerns) composed 21.6% of total area sales;
- "other industrial uses" such as autobody repair shops) made up 25.3% of the area of land sold; and,
- non-industrial uses (commercial, institutional and other uses) account for the majority (45%) of land area sales.

However, although non-industrial uses composed the largest category, as previously indicated, the sale of two large parcels of land for a hotel/retail complex and a detention centre made up the majority of non-industrial sales.

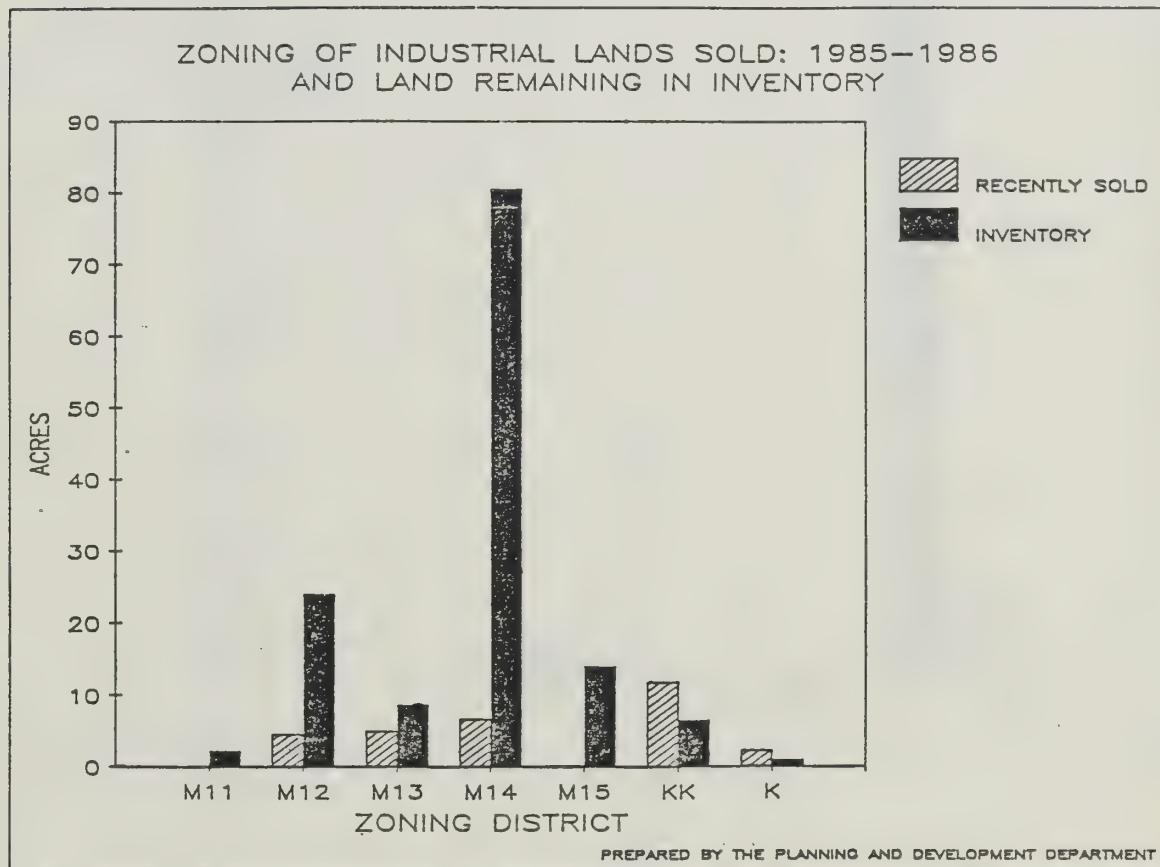
Figure 3



e) Remaining Lands in Inventory

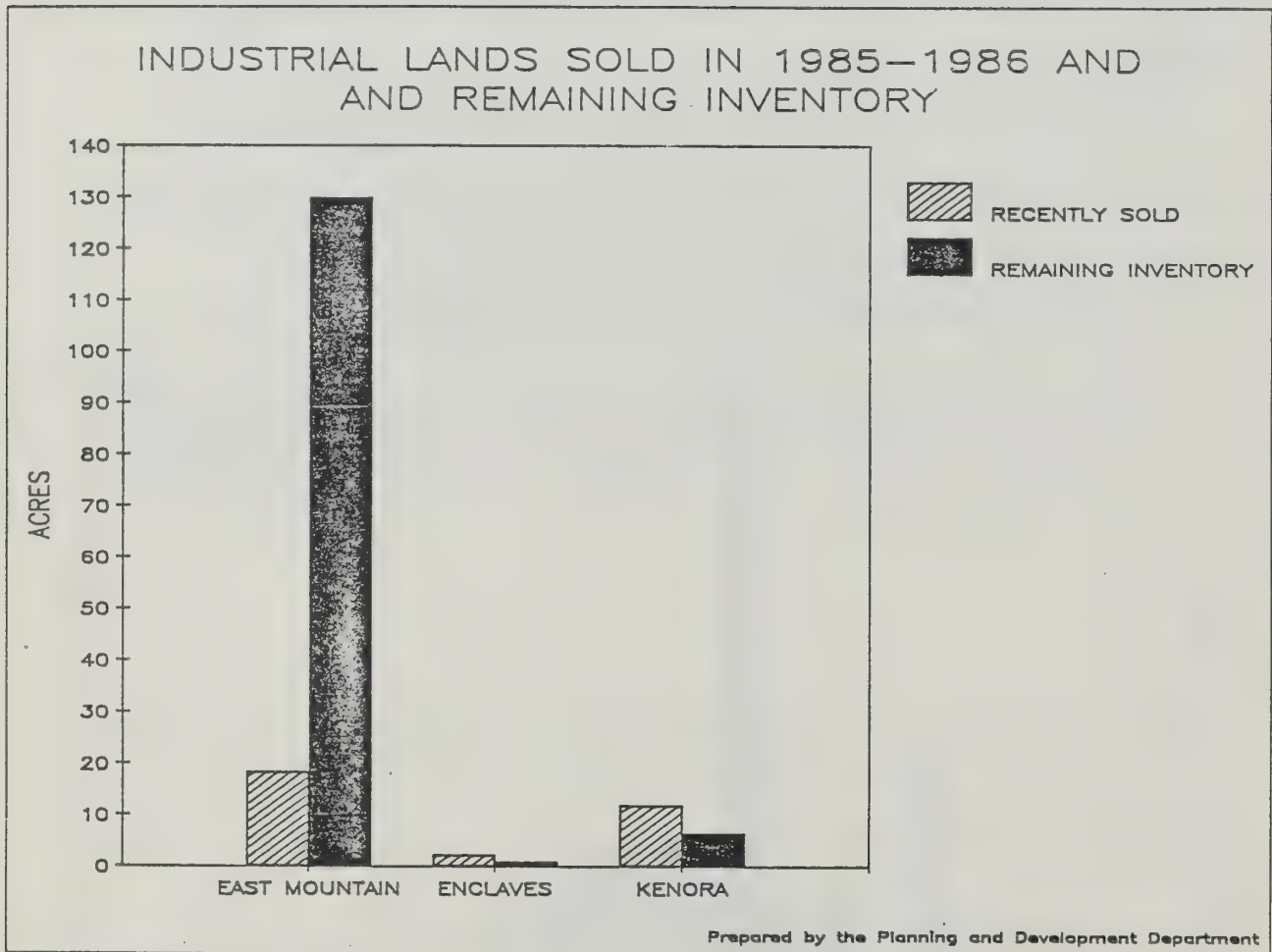
There is a total of 136.55 acres of vacant land remaining for sale in the City's and Region's Industrial Parks in Hamilton. The majority of the lands (101 acres) are in the medium to heavy industrial zoning districts (Figure 4). These zoning districts permit a variety of industrial and business-related uses.

Figure 4.



By the end of 1986 (see Figure 5) there were few remaining vacant lands in the Kenora Industrial Park. Since the end of 1986 the remaining lands have been sold. There is also a limited supply of vacant Enclave lands, although the process of acquiring more land is on-going. There is, however, an ample supply of land in the East Mountain Industrial Park.

Figure 5



Sales of industrial lands over the last five years (1982-1986) have averaged 7 acres a year. However, 90% of the lands sold over this time period occurred in 1985 and 1986. Sales over the last two years (1985-1986) have averaged 15 acres per year. If these rates of absorption continue, a nine to twenty year supply of lands is available.

Table 1 compares Hamilton's Industrial land bank with other southern Ontario Municipalities. The table shows that many municipalities do not own industrial lands. In general, the supply of municipally owned industrial lands in Hamilton compares favorably with other municipalities.

Table 1

MUNICIPALITIES WITH MUNICIPALLY OWNED INDUSTRIAL LANDS

MUNICIPALITY	MUNICIPALLY OWNED INDUSTRIAL LANDS ?	AMOUNT OF LAND UNDEVELOPED (ACRES)	ABSORPTION RATES (PER YEAR - 1985-86)	NUMBER OF YEARS SUPPLY AT CURRENT ABSORPTION
HAMILTON WENTWORTH*	YES	114	6.95	16.4
HAMILTON**	YES	137.6	16.4	8.4
ANCASTER	NO			
DUNDAS	NO			
FLAMBOROUGH	NO			
GLANBROOK	NO			
STONEY CREEK	NO			
YORK REGION	NO			
AURORA	YES	9	25.6	0.4
MARKHAM	NO			
NEWMARKET	YES	0	150	0.0
RICHMOND HILL	NO			
VAUGHN	NO			
DURHAM REGION	NO			
AJAX	NO			
NEWCASTLE	YES	13	0	N.A.
OSEAWA	YES			
PICKERING	NO			
WHITBY	YES	6	N.A.	N.A.
WATERLOO REGION	NO			
CAMBRIDGE	YES	250	22.1	11.3
KITCHENER	YES	172	40.2	4.3
WATERLOO	YES	55	37.3	1.5
NIAGARA REGION	NO			
FORT ERIE	YES	N.A.	N.A.	N.A.
LINCOLN	NO			
NIAGARA FALLS	YES	108	10.7	10.1
NIAGARA-ON-THE-LAKE	YES	21	N.A.	N.A.
PORT COLBORNE	YES	80	0	N.A.
ST. CATHARINES	YES	13.5	9	1.5
WELLAND	YES	33	1.75	18.9
WEST LINCOLN	YES	54	0	
BRANTFORD	YES	200	26	7.7
HALDIMOND-NORFOLK	YES	158	4.4	35.9
HALTON REGION	NO			
BURLINGTON	NO			
HALTON HILLS	NO			
MILTON	NO			
OAKVILLE	NO			
PEEL REGION	NO			
BRAMPTON	NO			
CALEDON	NO			
MISSISSAUGA	NO			
METRO TORONTO	NO			
EAST YORK	NO			
ETOBICOKE	NO			
NORTH YORK	NO			
SCARBOROUGH	NO			
TORONTO	NO			
YORK	NO			

*NOTE: Ancaster and Glanbrook parks only.

**NOTE: Includes Regionally owned lands in Hamilton.

CONCLUSION

This report should be received by the Planning and Development Committee for their information and forwarded to the Business Land Use Advisory Board for their information.

D.O./mnd
W.P. DOC. 0205P

APPENDIX

LAND USE OF INDUSTRIAL LANDS RECENTLY SOLD IN CITY AND REGIONAL INDUSTRIAL PARKS IN HAMILTON

PROPOSED LAND USE	EAST MOUNTAIN IND. PARK			KENORA INDUSTRIAL PARK			RESIDENTIAL ENCLAVES			TOTAL		
	# OF SALES	# OF ACRES	% TOTAL AREA SOLD	# OF SALES	# OF ACRES	% TOTAL AREA SOLD	# OF SALES	# OF ACRES	% TOTAL AREA SOLD	# OF SALES	# OF ACRES	% TOTAL AREA SOLD
MANUFACTURING USES												
Manufacturing and sales of trophies	1	0.57	1.8%							1	0.57	1.8%
Manufacturing and warehousing	1	2.02	6.4%							1	2.02	6.4%
SUBTOTAL	2	2.59	8.2%	0	0.00	0.0%	0	0.00	0.0%	2	2.59	8.2%
WAREHOUSING AND WHOLESALING												
Warehousing and retailing	1	1.10	3.5%							1	1.10	3.5%
Wholesaling	1	0.64	2.0%							1	0.64	2.0%
Mini warehousing	2	2.34	7.4%							2	2.34	7.4%
Warehousing				2	1.83	5.8%				2	1.83	5.8%
Wholesaling and retailing	1	1.03	3.2%							1	1.03	3.2%
SUBTOTAL	5	5.10	16.1%	2	1.83	5.8%	0	0.00	0.0%	7	6.92	21.9%
OTHER INDUSTRIAL												
Autobody repair	2	2.08	6.6%				1	0.76	2.4%	3	2.84	9.0%
Sales and service of industrial equipment				2	1.78	5.6%				2	1.78	5.6%
Automobile and truck restoration				1	1.37	4.3%	1	0.55	1.7%	2	1.92	6.1%
Construction company				1	1.02	3.2%	1	0.56	1.8%	2	1.58	5.0%
SUBTOTAL	2	2.08	6.6%	4	4.17	13.2%	3	1.87	5.9%	9	8.12	25.7%
COMMERCIAL												
Office	1	0.98	3.1%							1	0.98	3.1%
Banquet Centre	1	1.51	4.8%							1	1.51	4.8%
Club	1	1.05	3.3%							1	1.05	3.3%
Hotel/Hotel				1	5.23	16.6%				1	5.23	16.6%
Retail Plaza	1	1.16	3.7%							1	1.16	3.7%
SUBTOTAL	4	4.70	14.9%	1	5.23	16.6%	0	0.00	0.0%	5	9.93	31.4%
INSTITUTIONAL												
Detention Centre	1	4.05	12.8%							1	4.05	12.8%
SUBTOTAL	1	4.05	12.8%	0	0	0.0%	0	0	0.0%	1	4.05	12.8%
OTHER												
Land bought for speculation							1	0.46	0.0%	1	0.46	1.5%
SUBTOTAL							1	0.46	0.0%	1	0.46	1.5%
TOTAL	14	18.51	58.5%	7	11.23	35.5%	4	2.23	7.4%	24	31.61	100.0%



THE CORPORATION OF THE CITY OF HAMILTON

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1987 October 22

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1987 October 28th
2:00 o'clock p.m.
Room 233, City Hall


Susan K. Reeder
Acting Secretary

SKR:jf

AGENDA

1. Minutes of the meeting held Wednesday, 1987 September 30th.
2. Alderman H. Merling
 - (a) Task Force on Lot Grading (no copy)
3. Building Commissioner
 - (a) Demolition Permit Applications
 - (i) 473 Burlington Street East
 - (ii) 3 Gerrard Street
 - (iii) 5 Gerrard Street
 - (iv) 7 Gerrard Street
 - (v) 9 Gerrard Street
 - (vi) 10 Gerrard Street
 - (vii) 11 Gerrard Street
 - (viii) 12 Gerrard Street
 - (ix) 24 Gerrard Street
 - (x) 29 Gerrard Street
 - (xi) 391 Sherman Avenue North
 - (xii) 403 Sherman Avenue North

URBAN MUNICIPAL

OCT 26 1987

GOVERNMENT DOCUMENTS

(b) Demolition Applications - to be tabled

- (i) 159 Hunter Street East
- (ii) 163 Hunter Street East
- (iii) 167 Hunter Street East

(c) Demolition Application - under Property Standards Act

- (i) 10 Robins Avenue

(d) Appointment of Inspectors - By-law 81-224

4. Director of Community Development

- (a) Second Level Lodging Home Rehabilitation Programme
- (b) Designated Property Grant - 250 James Street South
- (c) Corktown Stinson Ontario Neighbourhood Improvement Programme (For Information)
- (b) Corktown Stinson Ontario Neighbourhood Improvement Programme (For Information)

6. Director of Property

- (a) Part Lot 36, Plan M-227 - Hamilton Industrial Park #1, Nebo Road - 732303 Ontario Limited
- (b) Sale - Stone Church Road East - Carlo Del Sordo

7. L.A.C.A.C.

- (a) MacNab Street Presbyterian Church - Heritage Easement (Copy to follow)

PUBLIC MEETING

3:00 o'clock p.m.

- 8. Zoning Application ZA-87-89, Spadar Developments Inc., owner, for a change in zoning from "AA" to "B-2", for property on the west side of the proposed extension of Angelina Place; Falkirk East Neighbourhood. Public Meeting - 3:00 p.m.

9. Zoning Application ZA-87-93, D. Breton, owner, for a modification to the established "D" District regulations for property at No. 56 Lilacside Drive, Thorner Neighbourhood.
Public Meeting - 3:00 p.m.
 - (a) Letter of Submission - Michael Gushalak, 75 Lilacside Drive
10. Zoning Application ZA-87-101, J. Moir, owner, for a change in zoning from "L-mr-2" to "E-1" modified, for property at Nos. 182-184 Jackson Street East; Corktown Neighbourhood.
Public Meeting - 3:00 p.m.
11. Zoning Application ZA-87-102, G. F. Vulker, owner, for a change in zoning from "DE" to "E-1" modified, and to change the Official Plan for property at No. 418 Limeridge Road East, Bruleville Neighbourhood.
Public Meeting - 3:15 p.m.
12. Zoning Application ZA-83-22, Rosart Properties Inc., owner, for a change in zoning from "AA", "C" and "HH" to "G-1" and the Official Plan for lands on the north side of Rymal Road West between Upper James Street and West 5th Street; Mewburn Neighbourhood.
Public Meeting - 3:15 p.m. (Copy to follow)
 - (a) Letter of Submission - Jim Enos, 1187 West 5th
 - (b) Letter and Petition of Submission - Jim Enos, Bob deHaan
13. Zoning Application ZA-87-80, 428680 Ontario Limited (H. Schreiber), owner, for a change in zoning from "AA" to "C" and "E-2" for alnds on the north side of Rymal Road East, between Upper Wellington Street and Upper Wentworth Street; Barnstown Neighbourhood.
Public Meeting - 3:15 p.m.
 - (a) Letter of Submission - Mr. & Mrs. Forsyth, 379 Rymal Road East
 - (b) Letter of Submission - Mr. Giotteaby, 389 Rymal Road East
 - (c) Letter of Submission - Mr. & Mrs. Knight, 371 Rymal Road East
14. Zoning Application ZA-87-98, Ardor Investments Ltd., owner, for a modification to the "G" District regulations for property municipally known as No. 1300 Garth Street; Gilkson Neighbourhood.
15. Subdivision Application SA-87-18, T. J. Cooper and M. J. Cooper, owners, for lands located south of Rymal Road, west of Christie Street and north of the Ontario Hydro Electric Power Transmission Line.

16. Public meeting to consider passing of a by-law to rename the street names of Aimee Avenue, Fiona Court, Greenguild Court, Greencedar Court and Como Drive (415).
17. Site Plan Control Applications (For information)
18. Other Business
19. Adjournment

Wednesday, 1987 September 30
2:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Alderman D. Ross, Vice-Chairman
Mayor Robert M. Morrow
Alderman D. Christopherson
Alderman T. Cooke
Alderman B. Hinkley
Alderman W. McCulloch
Alderman H. Merling

Also present: Alderman V. Agro
Alderman T. Murray
Mr. L. Sage, Chief Administrative Officer
Mr. E. Kowalski, Director of Community Development
Mr. V. Abraham, Director of Local Planning
Mr. P. Lampman, Building Department
Ms. Monica Germann, Building Department
Mr. L. Harvey, Building Department
Mr. M. Watson, Real Estate Department
Mr. J. Thoms, Planning Commissioner
Mr. K. Brenner, Regional Engineering
Mr. H. Yeghouchian, Planning Department
Mr. J. Zipay, Planning Department
Ms. J. Hickey, Planning Department
Mr. J. Schwarz, Regional Planning
Ms. B. Case, Planning Department
Mr. P. Hooker, City Solicitor's Department
Mr. S. Dembe, Manager of Licencing
Mr. R. Karl, Traffic Department
Mr. D. Godley, Planning Department
Mr. J. Sacala, Planning Department
Ms. V. Gruppe, Planning Department
Mrs. S. K. Reeder, Acting Secretary

The Chairman advised that the minutes of the meeting held Wednesday, 1987 September 16 were not available, but would be sent to the next meeting of the Committee for approval.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 22 respecting Rental Housing Protection Act - Severance Application SE-87-002- 62 Sheaffe Street.

Ms. Vanessa Gruppe of the Planning Department presented the report on this matter to the Committee.

It was moved by Alderman Hinkley, seconded by Alderman Merling and carried to approve the following recommendation:

That the application for severance of 62 Sheaffe Street under the Rental Housing Protection Act be approved.

NOTE: The subject property involves a total of six affordable rental residential units. The applicant wishes to sever one unit at 62 Sheaffe Street and retain the remaining five units at 193 and 197 Bay Street North. The severance is not expected to adversely affect the supply of affordable rental housing, since only one unit would be removed from the provisions of the Act in an area of the City where rental vacancy rates are approximately 2%. The unit is intended to remain rental.

Minutes

Rental Housing
Protection Act -
Severance
Application
SE-87-002 -
62 Sheaffe Street

Planning and Development Committee

Wednesday, 1987 September 30

Demolition
Permit
Applications

The Committee was in receipt of a report from the Building Commissioner dated 1987 September 23 respecting demolition permit applications.

It was moved by Alderman Merling, seconded by Alderman Christopherson and carried to approve the following recommendation:

That the Building Commissioner be authorized to issue demolition permits for the demolition of the following residential buildings:

- (a) 57 Fraser
- (b) 28 Clapham Road
- (c) 32 Clapham Road
- (d) 40 Clapham Road
- (e) 1814 Main Street East

In Camera
Session

At this point the Committee agreed to move in camera to discuss a private and confidential matter.

Information Report
-Ottawa Street
B.I.A. - Jockey
Club Tavern

Following an in camera discussion, the meeting moved back into an open meeting format and agreed to receive an information report from the Chief Administrative Officer dated 1987 September 25 respecting the Ottawa Street B.I.A. - Jockey Club Tavern.

Landsdale
Neighbourhood
Improvement
Programme

The Committee was in receipt of a report from the Director of Community Development dated 1987 September 9 respecting the Landsdale Neighbourhood Improvement Programme; 1985 and 1986 Audited Statements and Annual Report for St. Matthews House.

The Committee agreed to receive the Audited Financial Statement and Annual Reports for 1985 and 1986 for St. Matthews House.

Kirkendall -
Strathcona
Neighbourhood
Improvement
Programme

The Committee was in receipt of a report from the Director of Community Development dated 1987 September 22 respecting the Kirkendall-Strathcona Neighbourhood Improvement Programme/Kirkendall-Strathcona Neighbourhood Housing (Wesley Urban Ministries); 1986 Annual Audited Statements.

The Committee agreed to receive these 1986 Annual Audited Statements.

Barton Street
General B.I.A.,
Board of
Management

The Committee was in receipt of a report from the Director of Community Development dated 1987 September 10 respecting the Barton Street General Business Improvement Area (B.I.A.); Board of Management.

It was moved by Alderman Ross, seconded by Alderman Hinkley and carried to approve the following recommendation:

- (a) That the Board of Management, as per the attached, marked as APPENDIX "G", for the Barton General Business Improvement Area be approved, and
- (b) That the City Solicitor be hereby authorized and directed to prepare a by-law to appoint the Board of Management of the Business Improvement Area (B.I.A.) on Barton Street East from Wellington Street to Wentworth Street, as approved by City Council 1987 June 23 (By-law No. 87-178).

Planning and Development Committee

Wednesday, 1987 September 30

The Committee was in receipt of a Private and Confidential report from the Director of Community Development dated 1987 September 23 respecting Designated Property Grant - 455 Bay Street North.

Designated
Property Grant -
455 Bay Street
North

The Committee approved the following recommendation:

That a Designated Property Grant in the amount of \$2 570 be provided to Mr. F. Ian Bailey, 455 Bay Street North.

The Committee was in receipt of a report from the Director of Property dated 1987 September 14 respecting Purchase by the City - 391 Sherman Avenue North - 573667 Ontario Limited.

Purchase by the
City - 391
Sherman Avenue
North - 573667
Ontario Limited

It was moved by Alderman Merling, seconded by Alderman Christopherson and carried to approve the following recommendation:

That an Option to Purchase the property at 391 Sherman Avenue North duly executed by 573667 Ontario Ltd. (Norman Ferguson, President) on 1987 September 11, and scheduled to close on or before 1987 December 5, be approved and completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 22 feet (6.705 metres) by a depth of 90 feet (27.43 metres) comprising an approximate area of 1 980 square feet (183.94m²) with structures erected thereon. The purchase price of \$39 500 in accordance with Schedule "A" attached herewith and marked as APPENDIX "H" is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1987 September 14 respecting Purchase by the City - 11 Gerrard Street - 573667 Ontario Limited.

Purchase by the
City - 11 Gerrard
Street -
573667 Ontario
Limited

It was moved by Alderman Merling, seconded by Alderman Ross and carried to approve the following recommendation:

That an Option to Purchase the property at 11 Gerrard Street duly executed by 573667 Ontario Ltd. (Norman Ferguson, President) on 1987 September 11 and scheduled to close on or before 1987 December 7, be approved and completed.

NOTE: This property is required in connection with the acquisition of lands in the Alpha Enclave (West) Plan 1 and has a frontage of 19 feet (5.79 metres) by a depth of 95 feet (28.956 metres) comprising an approximate area of 1 805 square feet (167.68m²) with structures erected thereon. The purchase price of \$40 500 in accordance with Schedule "A" attached herewith and marked APPENDIX "I" is to be charged to account 0408-W75266 pending receipt of O.M.B. approval for funding. Demolition is to take place upon closing.

The Committee was in receipt of a report from the Director of Property dated 1987 September 23 respecting Lot 38, Plan M-227 - Hamilton Industrial Park No. 1, Nebo Road - William Pickard and 441138 Ontario Limited and William Castle.

Sale - Lot 38,
Plan M-227 -
Hamilton Industrial
Park No. 1, Nebo
Road - William
Pickard and
441138 Ontario
Limited and
William Castle

Planning and Development Committee

Wednesday, 1987 September 30

It was moved by Alderman Ross, seconded by Alderman Merling and carried to approve the following recommendation:

That an Offer to Purchase the lands of the Corporation of the City of Hamilton, Lot 38, Plan M-227, Hamilton Industrial Park #1, located on Nebo Road, duly executed on 1987 September 23 by the Purchasers, William Pickard and 441138 Ontario Ltd. and William Castle, and scheduled for closing on 1988 March 23, be approved and completed.

NOTE: The purchase price is \$119 500. A deposit cheque in the amount of \$11 950 is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the eastern limit of Nebo Road, having a frontage of 213.62 feet by a depth of 477.35 feet/516.95 feet and containing an area of 2.3902 acres; subject to an easement in favour of Bell Canada as set out in Instrument No. 36953 Barton.

It is understood and agreed that the Vendor upon completion of this transaction will pay a Real Estate Commission on the following basis to Fidelity Realty, 3252 Centennial Drive, Burlington, Ontario, L7M 1M9, whose agent, Robert W. Secord acted in this matter.

1st \$100 000 of Purchase Price - 5%
2nd \$100 000 of Purchase Price - 4%

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto and marked APPENDIX "J".

St. Clair Heritage
District -
Registration on
Title

The Committee was in receipt of a report from L.A.C.A.C. dated 1987 September 21 respecting St. Clair Heritage District - Registration on Title.

It was moved by Alderman Ross, seconded by Alderman Christopherson and carried to approve the following recommendation:

That the City Solicitor be directed to register By-law 86-125 (Heritage Conservation District Designation) on the title of all properties within the St. Clair Heritage District.

Site Plan Control
Applications

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 23 respecting Site Plan Control Applications which have been approved by the Chairman of the Planning and Development Committee and the particular Aldermen of that Ward.

These applications pertain to the following:

- (a) Site Plan Control Application DA-87-60 for lands at 87 Duke Street.
- (b) Site Plan Control Application DA-87-62 for lands at 30 and 47 Bigwin Road
- (c) Site Plan Control Application DA-87-48 for lands located at the north-west corner of Upper Gage Avenue and Lockton Crescent.

Planning and Development Committee

Wednesday, 1987 September 30

- (d) Site Plan Control Application DA-87-68 for lands at 649 Main Street West
- (e) Site Plan Control Application DA-87-56 for lands at 17 Dundurn Street South

The Committee agreed to receive this report.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 22 respecting Subdivision Agreement No. SA-87-16 to establish 25 lots for single family dwellings along Independence Drive and Templemead Drive.

SA-87-16 -
Independence
Drive and
Templemead Drive

It was moved by Alderman Ross, seconded by Alderman Christopherson and carried to approve the following recommendation:

- (a) That APPROVAL be given to Application SA-87-16, 456941 Ontario Ltd., owner, to establish a draft plan of subdivision along Independence Drive and Templemead Drive, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by A. J. Clarke and Associates dated 1987 April 10, showing 25 lots.
 - (ii) That the final plan conform with the Zoning By-law approved under The Planning Act.
 - (iii) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (iv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot in the final plan.
 - (vi) That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of final release by the City of Hamilton.
 - (vii) That this plan not be registered prior to the passing of a by-law which would establish the abutting roads as public highways.
 - (viii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-16), 456941 Ontario Ltd., owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

Planning and Development Committee

Wednesday, 1987 September 30

SA-87-17 -
north of
Stonechurch
Road West, east
of Amalfi Street,
south of Greencedar
Drive and west of
Greenguild Ave.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 21 respecting Draft Plan of Subdivision SA-87-17 to Establish 59 lots for single-family dwellings and 3 blocks for future development for property north of Stonechurch Road West, east of Amalfi Street, south of Greencedar Drive and west of Greenguild Avenue.

Alderman Murray expressed some concerns at a subdivision being built where there are already grading problems.

Some discussion ensued on the restrictions that can be placed in the Subdivision Agreement to alleviate potential problems with grading.

Following further discussion on this matter, it was agreed to hold off on this item until 4:00 o'clock p.m. until such time as the applicants would be in attendance.

At this point, the Committee moved into a public meeting format for the purpose of hearing applications for zoning changes.

ZA-87-67 -
763 Stonechurch
Road East

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 23 respecting Zoning Application ZA-87-67, the Trustee Board of the Presbyterian Church in Canada, owner, for lands at 763 Stonechurch Road East.

Report of the circularization is as follows:

38 notices sent 2 in favour 0 opposed

The Committee approved the following recommendation:

That APPROVAL be given to Zoning Application ZA-87-67, The Trustee Board of the Presbyterian Church in Canada, owner, for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District for property located on the north side of Stone Church Road East, in the area east of Upper Sherman Avenue, municipally known as No. 763 Stone Church Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District;
- (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38C;
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Detached) District for property located on the north side of Stone Church Road East in the area east of Upper Sherman Avenue.

The effect of the By-law is to permit development of the subject lands for small lot single-family dwellings.

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The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 18 respecting Zoning Application ZA-87-78, Ivan Mikulic, owner, for land at 538 Mountain Brow Boulevard.

ZA-87-78 -
538 Mountain
Brow Boulevard

Report of the circularization is as follows:

53 notices sent 3 in favour 18 opposed

The Committee was in receipt of a letter dated 1987 September 29 from Ms. Anne Mary Mogg, 110 Kings Forest Drive indicating that she is opposed to the application.

The Committee was in receipt of a letter dated 1987 September 17 from Mr. Mikulic requesting that the Committee approve his application. This letter was presented to the Committee by Mr. Walter Vucetich, his representative.

The Committee was also in receipt of a letter from Ms. E. Teufel, 530 Mountain Brow Boulevard indicating that she represents the neighbours and that they are opposed to the application.

Prior to receiving delegations on this matter, the Committee moved in camera to discuss this issue on the advice of the City Solicitor's Office representative.

The Committee then came out of the in camera session and received the delegations on this matter.

Mrs. Van Zytveld, 544 Mountain Brow Boulevard addressed the Committee. She indicated that she feels it is the attitude of the applicant in his disrespect of the law in building the garage contrary by-law rules and is the issue before the Committee.

Ms. Tuefel, 530 Mountain Brow Boulevard addressed the Committee and requested some clarification on what impact the Planning and Development Committee's decision would have on this application. He indicated that the residents are frustrated at the different avenues that are being taken in this matter, and feels that the law is not being upheld.

Mr. Van Zytveld, 544 Mountain Brow Boulevard indicated that people who visit them ask what a house is doing in the backyard of 538 Mountain Brow Boulevard i.e., the garage that Mr. Mikulic built looks like a house.

Mr. Zwolak, 105 Kings Forest Drive indicated that he feels that if the Committee approves this application that it will create a precedence for future applications such as this.

Mr. Dow, 558 Mountain Brow Boulevard indicated that the applicant's disregard for the law should not be permitted.

Mrs. Dow, 558 Mountain Brow Boulevard also addressed the Committee and questioned what the use of the garage is when the owner already has a three car garage.

Mr. Walter Vucetich, representative for the applicant, addressed the Committee. He presented a submission dated 1987 September 17 which he read to the Committee from Mr. Mikulic.

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Mr. Vucetich indicated that the applicant has lived at his home on Mountain Brow Boulevard for thirteen years, and to date there has been no difficulty with his neighbours. He requested that the Committee look favourably upon this application.

The Committee then discussed this application in great length and it was moved by Alderman McCulloch, seconded by Alderman Ross and carried to approve the following recommendation:

That Zoning Application ZA-87-78, Ivan Mikulic, owner requesting a modification to the "B" (Suburban Agriculture and Residential etc.) District regulations, to permit the height of the existing accessory structure (garage) to be maintained at 4.8m (15.7 ft.) instead of the required 4m (13.12 ft.), for the property located at No. 538 Mountain Brow Boulevard, as shown on the attached map marked as APPENDIX "B", BE DENIED as it does not conform with the intent of the Zoning By-law.

ZA-87-82 -
60-62 West
Avenue South

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 15 respecting Zoning Application 87-82 for property at No. 60-62 West Avenue South.

Report of the circularization is as follows:

376 notices sent 14 in favour 11 opposed

The Solicitor for the applicants requested that this matter be tabled and asked that note be made in the minutes that Mrs. Walker, was in attendance at this meeting in support of the application.

The Committee then agreed to table this application.

ZA-87-87 -
137 Queen Street
North

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 11 respecting Zoning Application 87-87 for property located at 137 Queen Street North.

Report of the circularization is as follows:

565 notices sent 17 in favour 5 opposed

The Committee approved the following recommendation:

That APPROVAL be given to Zoning Application 87-87 My Linh Nguyen, owner, requesting a modification to the established "D" (Urban Protected Residential One and Two Family Dwellings, Townhouses, etc.) District, to permit a hairdressing business as a "Home Occupation" use within a portion of a dwelling located at No. 137 Queen Street North as shown on the attached plan marked as APPENDIX "C" on the following basis:

- (a) That the "D" (Urban Protected Residential - One and Two Family, Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of By-law No. 6593, applicable to the subject property be modified to include the following as special requirements:
 - (i) That notwithstanding the provisions of Section 2.(2)(H)(iii)(f) and (h) of By-law No. 6593, hairdressing shall be permitted as a home occupation:
 - 1. carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,
 - 2. providing for not more than one comb-out centre and one hair styling sink.

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- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1043, and that the subject land on Zoning District Map W-11 be notated S-1043;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-11; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a modification to the established "D" (Urban Protected Residential One and Two-Family Dwellings, Townhouses, etc.) District regulations applicable to property located at No. 137 Queen Street North, as shown on the attached plan marked as APPENDIX "C".

The effect of the By-law is to permit a hairdressing business, operated as a home occupation for one hairdresser only. In addition, the By-law limits the hairdressing business to one comb-out centre and one hair styling sink.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 14 respecting Zoning Application ZA-87-73 for property located at 1324 Upper Sherman Avenue and Subdivision Application 87-15 for property located on the west side of Upper Sherman Avenue and on the south side of Ruby Street.

Report of the circularization is as follows:

15 notices sent 0 in favour 1 opposed

Mr. Frank Bristol, 1334 Upper Sherman Avenue appeared before the Committee in opposition to the application.

The Committee then approved the following recommendations:

That APPROVAL be given to Zoning Application ZA-87-73, Vince P.DiBernardo, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District and "R-4" (Small Lot Single-Family Detached) District, for property located at No. 1324 Upper Sherman Avenue, as shown on the attached map marked APPENDIX "D", on the following basis:

- (a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- (b) That the lands described as Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- (c) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C;
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for the following changes in zoning with regard to property located at No. 1324 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "D" on the following basis:

ZA-87-73 -
1324 Upper Sherman
Avenue and
SA-87-15 - west
side of Upper
Sherman Avenue
on the south side
of Ruby Street

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Block "1" - Change from "AA" (Agricultural) District to "C"
(Urban Protected Residential, etc.) District.

Block "2" - Change from "AA" (Agricultural) District to
"R-4" (Small Lot Single-Family Detached)
District.

The effect of the By-law is to permit development of
Block "1" for single-family dwellings, and development of Block
"2" for small lot, single-family dwellings.

and,

- (a) That APPROVAL be given for Application SA-87-15, Vincent P. DiBernardo, owner, to establish a draft plan of subdivision on the west side of Upper Sherman Avenue and on the south side of Ruby Street, subject to the following conditions:
 - (i) That this approval apply to the plan prepared by A. J. Clarke and Associates dated 1987 June 8, showing 13 lots, 2 blocks and street widenings, revised to delete the street widening for Upper Sherman Avenue and to show the street widening for future Rushdale Drive as Block 16.
 - (ii) That the road widening (Block 16) be dedicated as a public highway on the final plan.
 - (iii) That the final plan conform to the Zoning By-law approved under the Planning Act.
 - (iv) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - (v) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority, including a 9.0m easement for sewers over part of Lots 8-12 inclusive to the Regional Municipality.
 - (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.
 - (vii) That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (viii) That the Final Plan for Lots 9 to 13 inclusive and Blocks "14", "15" and "16" not be approved prior to Registration of "High Ridge Estates - Phase 3" (under Regional File No. 25T-86022).
 - (ix) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

- (b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-15), Vincent P. DiBernardo, owner, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 22 respecting a Review of the Zoning By-law No. 6593 and the Licencing By-law respecting Regulations for the Location of Class "H" Adult Entertainment Parlours.

Adult Entertainment
Parlours

At this point in the meeting, members of the City's Legislation Committee joined the Planning and Development Committee for a joint meeting to discuss this item.

The following members of the Legislation Committee were in attendance:

Alderman V. Agro, Chairman
Alderman D. Christopherson, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman T. Murray

Mr. Haig Yeghouchian of the Planning Department presented his report on this matter. It was indicated that no submissions had been received to this item and no one was in attendance to speak to this matter.

Following a presentation of this matter by Mr. Yeghouchian, the Committees discussed this issue.

On behalf of the Planning and Development Committee, it was moved by Alderman Christopherson, seconded by Alderman Murray and carried to approve the following recommendation:

- (a) That APPROVAL be given to a City Initiative to introduce additional by-law regulations respecting the location of Adult Entertainment Parlours in the City of Hamilton on the following basis:
 - (i) That an Amendment to the Zoning By-law No. 6593 be initiated to permit Class "H" Adult Entertainment Parlours in "HH" (Restricted Community Shopping and Commercial) Districts; "I" (Central Business, etc.) Districts; "J" (Light and Limited Industrial) Districts; "JJ" (Restricted Light Industrial) Districts; "K" (Heavy Industrial, etc.) Districts; "KK" (Restricted Heavy Industrial) Districts, and M-11 (Prestige Industrial) Districts, subject to a minimum radial separation distance of 500m (1 640 feet) from a residential district;

- (ii) That notwithstanding clause (i) above, the following six (6) existing licensed Adult Entertainment Parlours shall be exempt from the radial separation provisions of the new By-law by passing a site-specific zoning By-law Amendment:

- (1) 92 Barton Street East
- (2) 1038 Barton Street East
- (3) 229 Kenilworth Avenue North
- (4) 150 Centennial Parkway North
- (5) 1545 Upper James Street
- (6) 95 King Street East

- (iii) That the term, "Adult Entertainment Parlour" be defined as follows:

"Adult Entertainment Parlour" means any premises or part thereof in which is provided, in pursuance to a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations."

- (iv) That the Interim Control By-law No. 85-226 as amended by By-law No. 86-297, be repealed.

NOTE: The purpose of the proposed by-law is to permit "Adult Entertainment Parlours" in certain zoning districts in the City subject to the minimum radial separation distance of 500m (1 640 feet) from a residential district.

The effect of the by-law would be to allow the existing "Adult Entertainment Parlours" under the Licensing By-law and recognize these existing parlours as legal and conforming uses under Zoning By-law 6593.

For the information of the members of City Council, the Legislation Committee also deliberated on this matter and their recommendation on the Licensing By-law 79-144 to City Council is contained in Section 1 of their Fifteenth Report. You will note that the radial separation distance from residential districts differs

On behalf of the Legislation Committee it was moved by Alderman Christopherson, seconded by Alderman Murray and carried to approve the above noted recommendation, the same as the Planning and Development Committee. However this motion was lost.

On behalf of the Legislation Committee it was then agreed to approve the following recommendation:

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- (a) That the City Solicitor be directed to amend the Licencing By-law 79-144 as amended, and passed under the Municipal Act to permit Class "H" Adult Entertainment Parlours in "HH" (Restricted Community Shopping and Commercial) Districts; "I" (Central Business, etc.) Districts; "J" (Light and Limited Industrial) Districts; "JJ" (Restricted Light Industrial) Districts; "K" (Heavy Industry, etc.) Districts; "KK" (Restricted Heavy Industrial) Districts, and "M-11" (Prestige Industrial) Districts, subject to a minimum radial separation distance of 180m (600 feet) from a residential district;
- (b) That the number of licenses granted in the City for Class "H" Adult Entertainment Parlours shall be limited to a maximum of eight (8) licenses;
- (c) That notwithstanding clause (a) above, the existing six (6) licensed Class "H" Adult Entertainment Parlours located within the geographic areas described in APPENDIX "A" be exempt from the radial separation distance provision of the new By-law;
- (d) That provision be made for suitable fines for contravention of the By-law; and,
- (e) That By-law 85-149 and 85-186 be repealed.

NOTE: The purpose of the proposed by-law is to permit "Adult Entertainment Parlours" in certain zoning districts in the City subject to the minimum radial separation distance of 180m (600 feet) from a residential district.

The effect of the by-law would be to allow the existing "Adult Entertainment Parlours" under the Licensing By-law and recognize these existing parlours as legal and conforming uses under Zoning By-law 6593. The total number of licenses to be granted in the City will be limited to eight (8) under the Licensing By-law.

For the information of the members of City Council, the Planning and Development Committee also deliberated on this matter and their recommendation to City Council is contained in Section 18 of their Nineteenth Report. You will note that the radial separation distance from residential districts differs.

Note: Alderman Kiss opposed.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 14 respecting Zoning Application 87-61 for property located at 234 Queen Street South.

This item had been referred back to the Planning and Development Committee by City Council at their meeting held 1987 September 1.

Report of the 1st circularization is as follows:

263 notices sent 9 in favour 6 opposed

Report of the 2nd circularization is as follows:

264 notices sent 14 in favour 7 opposed

The Committee was in receipt of a response from Mr. D. Seta, 236 Queen Street South indicating that he is in opposition to the application.

ZA-87-61 -
234 Queen Street
South

Planning and Development Committee

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The Committee was also in receipt of a submission from Mr. Marvin P. Stringer, Solicitor, on behalf of Ritlyn Investments Limited (the applicant). This submission also attached a petition of support for the application.

The Committee was in receipt of a submission dated 1987 September 29 from Mr. A. Douglas Burns, Solicitor, on behalf of the owners of the property known as 233 Queen Street South. A previous binder presentation dated 1987 August 12 was distributed to the Committee at its last meeting. This document was also presented to this meeting of the Committee.

The Committee was in receipt of a petition dated 1987 August 11 from various people in the neighbourhood opposed to the application.

The Committee was in receipt of a letter of objection received 1987 August 21 from Mrs. Julia Brady, 182 Herkimer Street.

The Committee was in receipt of a petition from the area residents in opposition to this application.

Mr. Zlokapa, owner of 233 Queen Street South and his Solicitor, Mr. Burns addressed the Committee in opposition to the application.

They advised that they wished to have this property left as a Dry Cleaning Store and sited traffic as a problem which would be aggravated by an additional Variety Store at that location.

Mr. Marvin Stringer, Solicitor, on behalf of the applicant addressed the Committee. He gave a background description on the commercial use of the property.

He advised that the Variety Store services mostly walk-in business, and that they do have parking facilities. He added that the Dry Cleaner Business would have more driver business than the proposed Variety Store. He added that illegal parking is encouraged and/or discouraged through enforcement. Mr. Stringer further added that a Variety Store at this location would add to the Free-Enterprise competitiveness for the present Variety Store located at 233 Queen Street South and feels that the nature of the objection from Mr. Zlokapa seeks to eliminate the competition.

The Committee then discussed this application at great length.

It was then moved by the Mayor, seconded by Alderman McCulloch to approve the following recommendation:

That APPROVAL be given to Zoning Application 87-61, Ritlyn Investments Limited, owner, requesting a further modification to the established "D" (Urban Protected Residential—One and Two-Family Dwellings, Townhouses, etc.) District regulations for property located at No. 234 Queen Street South, as shown on the attached map marked as APPENDIX "E" on the following basis:

- (a) That the "D" (Urban Protected Residential—One and Two-Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, as amended by By-law No. 86-251, passed by City Council on August 26, 1986, applicable to the subject property, be further amended to include the following variance as special requirements:

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- (i) That notwithstanding the provisions of Section 10.(1) of By-law No. 6593, the following additional commercial uses shall be permitted within the existing building:
 - 1. Retail variety and grocery store;
 - 2. Flower shop; and
 - 3. Drug store.
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-973A, and that the subject lands on Zoning District Map W-14 be notated S-973A;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-14; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of this By-law is to provide for a further modification to the established "D" (Urban Protected Residential - One and Two-Family Dwellings, Townshouses, etc.) District regulations for property located at No. 234 Queen Street South, as shown on the attached map marked as APPENDIX "E". The effect of the By-law is to permit in addition to a dry cleaning pickup service use within the existing building, the following commercial uses:

- (a) Retail variety and grocery store;
- (b) Flower shop;
- (c) Drug store.

THE ABOVE RECOMMENDATION RESULTED IN A TIE VOTE AT THE PLANNING AND DEVELOPMENT COMMITTEE AND IN ACCORDANCE WITH CITY POLICY WILL BE REFERRED TO CITY COUNCIL FOR DECISION.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 25 respecting Subdivision Application SA-87-11, Wellington Chase Inc., owner, for property at the south-east corner of Stonechurch Road East and Upper Wellington Street.

The Committee was also in receipt of a report from the Planning and Development Department dated 1987 August 25 respecting Zoning Application 87-51, Wellington Chase Inc., owner, for property located south of Stonechurch Road in the area east of Upper Wellington Street.

The Committee was in receipt of a report by Mr. Peter J. Edmonson dated 1987 September in opposition to the application.

The Committee was in receipt of a submission dated 1987 September 15 by Mr. and Mrs. Dickson, 111 Stonechurch Road East in opposition to this application.

The Committee was in receipt of an additional submission dated 1987 September 30 from Mrs. Dickson restating her concerns on the application. An appendix note has been added to Mrs. Dickson's letter from Mr. Gord Marsden, 1659 Upper Wellington Street indicating that he is in agreement with Mrs. Dickson's concerns.

Alderman Merling addressed the Committee and indicated that there had been a meeting with himself, staff and neighbours respecting this matter.

SA-87-11 - south
east corner of
Stonechurch Road
East and Upper
Wellington
Street

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Mr. Parente, the representative of the Wellington Chase Developers addressed the Committee and indicated that they are agreeable with the road amendments.

Mr. Edmonson also concurred with the road amendments and further stated that he is opposed to commercial development of the area as it is too dense.

General discussion then ensued on the alterations to the original proposal and it was realized that the Wellington Chase Developers and Mr. Edmonson and his group were still at odds at the amendments to be finalized.

Mrs. Dickson, at this point indicated that she is still opposed to any commercial use of the lands, irregardless of any amendments.

It was then agreed that the fine details of these applications would be discussed and confirmed between all parties and with the Planning staff and it was then moved by Alderman Ross, seconded by Alderman McCulloch and carried to approve the following recommendation:

That APPROVAL be given to a further amended Zoning Application ZA-87-51, Wellington Chase Inc., owner, requesting changes in zoning for the property located on the south side of Stone Church Road East, in the area east of Upper Wellington Street, as shown on the attached map marked as APPENDIX "F", on the following basis:

- (a) That the lands shown as Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
- (b) That the lands shown as Blocks "2", "3" and "4" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, modified to "C" (Urban Protected Residential, etc.) District.
- (c) That the lands shown as Blocks "5" and "6" be rezoned from "RT-30" (Street-Townhouse) District to "C" (Urban Protected Residential, etc.) District.
- (d) That the lands shown as Block "7" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-10" (Townhouse) District.
- (e) That the lands shown as Blocks "8", "9" and "10" be rezoned from "C" (Urban Protected Residential, etc.) District to "E-2" (Multiple Dwellings) District.
- (f) That the lands shown as Block "11" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, modified to "E-2" (Multiple Dwellings) District.
- (g) That the lands shown as Block "12" be rezoned from "E-2" (Multiple Dwellings) District, modified to "E-2" (Multiple Dwellings) District.
- (h) That the lands shown as Block "13" be rezoned from "RT-30" (Street-Townhouses) District to "E-2" (Multiple Dwellings) District.

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- (i) That the lands shown as Blocks "14" and "15" be rezoned from "RT-30" (Street-Townhouse) District to "G-1" (Designed Shopping Centre) District, modified.
- (j) That the lands shown as Block "16" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, modified to "G-1" (Designed Shopping Centre) District, modified.
- (k) That the lands shown as Block "17" be rezoned from "E-2" (Multiple Dwellings) District, modified to "G-1" (Designed Shopping Centre) District, modified.
- (l) That the "G-1" (Designed Shopping Centre) District regulations, as contained in Section 13A of Zoning By-law No. 6593, applicable to those lands shown as Blocks "14", "15", "16", and "17", be modified to include the following variance as special requirements:
 - (i) Notwithstanding Section 13A(1), the following commercial uses shall be prohibited:
 - 1) a carnival show
 - 2) a circus
 - 3) a commercial school
 - 4) a liquor dispensary or brewers warehouse
 - 5) a pet shop
 - 6) a bowling alley or billiard hall
 - 7) a place or amusement that provides only childrens' rides and penny arcades
 - 8) an automobile service station
 - 9) a manual car wash, a mechanical car wash, a coin operated car wash, a high speed mechanica car wash
- (m) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1044, and that the subject lands on Zoning District Map E-18D be notated S-1044;
- (n) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18D;
- (o) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for changes in zoning for the property located on the south side of Stone Church Road East, in the area east of Upper Wellington Street, as shown on the attached map marked as APPENDIX "F".

The effect of the By-law is to permit the development of the subject lands for single-family dwellings (Blocks "3", "4", "5" and "6"), townhouses (Block "7"), multiple dwellings (Blocks "8", "9", "10" "11" and "12") and shopping centre (Blocks "13", "14", "15", "16" and "17"). Block "1" and "2" permit development for single-family dwellings however, they are proposed to be used for the purposes of a school.

and,

- (a) That APPROVAL be given for application SA-87-11, Wellington Chase Inc., owner, to establish a draft plan of subdivision at the south-east corner of Stone Church Road East and Upper Wellington Street, subject to the following conditions:
 - (i) That the approval apply to the plan prepared by Ashenhurst Nouwens Limited, dated 1987 February, revised to delete Lots 180 to 194 inclusive (to become part of the abutting block) and to renumber the subsequent numbered lots and blocks accordingly; to relocate the northerly access road to centre on the proposed sewer, to divide the area between the two access roads into two blocks, to show minor street roundings, and lotting changes, to add a 0.3m reserve as Block "196" and to add certain dimensions for the street widenings and daylight corners.
 - (ii) That the road allowances and widenings for Stone Church Road East (Block "194") and Upper Wellington Street (Blocks "194", "195" and "198") be dedicated as public highway on the final plan.
 - (iii) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - (iv) That the final plan conform with the zoning by-law approved under The Planning Act.
 - (v) That the owner convey 5% of the land included in the final plan to the City of Hamilton for park purposes pursuant to the provisions of The Planning Act. This condition can be fulfilled by applying a credit for parkland conveyed from Phase 1 of the development.
 - (vi) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - (vii) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - (viii) That the dead-end of the road allowance created by the plan be terminated in a 0.3m reserve (Block "196") to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road.
 - (ix) That Block "192" be developed only in conjunction with abutting lands.
 - (x) That Block "193" be set aside as a Separate School Site to be acquired by the Hamilton-Wentworth Roman Catholic Separate School Board.
 - (xi) That the owner shall erect a sign in accordance with Section X of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - (xii) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

Planning and Development Committee

Wednesday, 1987 September 30

- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-11), Wellington Chase Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 21 respecting Subdivision Application 87-17 for land north of Stonechurch Road West, east of Almalfi Street, south of Greencedar Drive and west of Greenguild Avenue.

Some concern was expressed at the potential grading problems in this area and it was agreed to table this matter to the next meeting.

The Committee was in receipt of a Report of the Planning and Development Department dated 1987 September 9 proposed change of land use designation the for Quinndale Neighbourhood.

Alderman Ross declared a conflict of interest in this matter.

Mr. Johnson, 1275 Upper Gage appeared before the Committee in opposition to the proposed change of designation of the lands. He advised that his land is more valuable as commercial than residential and is not in favour of any change to it.

Mr. Galdenzi, spoke to the Committee and indicates that he owns more of the land than Mr. Johnson does, and that the fact that the land has been designated as commercial is causing a loss of credibility and embarrassment to the future home buyers.

Discussion then ensued on this matter by the Committee and it was moved by Alderman Merling, seconded by Alderman Cooke and carried to approve the following recommendation:

That the "Commercial" land use designation for the lands south of Loconder Drive, east of Upper Gage Avenue, as shown as Block 4 herewith attached and marked APPENDIX "L", be redesignated to "Attached Housing".

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 8 respecting High Density Residential Development Study, Phase II.

It was moved by Alderman Cooke, seconded by Alderman Merling and carried to approve the following recommendation:

- (a) That the Draft Interim Report for the High Density Residential Development Study be received for information.
- (b) That the Planning and Development Department be directed to proceed with Phase II of the High Density Residential Development Study.

SA-87-17 -
Land north of
Stonechurch Road
West, east of
Almalfi Street,
south of Greencedar
Drive and west of
Greenguild Avenue

High Density
Residential
Development
Study
Phase II

Planning and Development Committee

Wednesday, 1987 September 30

Inventory of
Municipal and
Regional
Industrial Lands
in Hamilton

The Committee was in receipt of a report from the Planning and Development Department dated 1987 August 26 respecting Inventory of Municipal and Regional Industrial Lands in Hamilton.

The Committee agreed to table this matter to the next meeting.

Site Plan
Control
Application -
DA-86-89
36 and 42
James South

The Committee was in receipt of a report from the Planning and Development Department dated 1987 September 25 respecting Site Plan Control Application DA-86-89 by Rosedale Reclamations Incorporated, owner, of the lands at 36 and 42 James Street South.

It was moved by Alderman Christopherson, seconded by Alderman Cooke and carried to approve the following recommendation:

That APPROVAL be given to Site Plan Control Application DA-86-89 by Rosedale Reclamations Incorporated, owner, of the lands at 36 and 42 James Street South for a commercial retail and parking structure at the rear of the subject land, subject to the following:

- (a) modifications to the land related to dimensions and notes as marked in red on the plans
- (b) position of the appropriate encroachment agreements for the existing building encroachments on James Street South and Main Street West
- (c) Approval by the Committee of Adjustment for the following variances:
 - (i) to delete the required rear yard of 3.0 metres (9.84 feet) and
 - (ii) reduce the required loading space from 18.0 metres to 9.0 metres in length
- (d) provision of a loading space and circulation pattern as marked in red on the plan to the satisfaction of the Director of Traffic Services
- (e) provision of revised building and alleviation to the satisfaction of the Director of the Planning and Development Department.

Adjournment

There being no further business, the meeting then adjourned.

Taken as read and approved

Susan K. Reeder, Acting Secretary
Planning & Development Committee

ALDERMAN J. SMITH, CHAIRMAN
PLANNING & DEVELOPMENT COMMITTEE

F O R A C T I O N

30a.
(i) - (xii)

FRCM P. KUPPE

DATE October 21, 1987

TO J. THOMPSON

Refer To File No. _____

Attention Of _____

Your File No. _____

SUBJECT

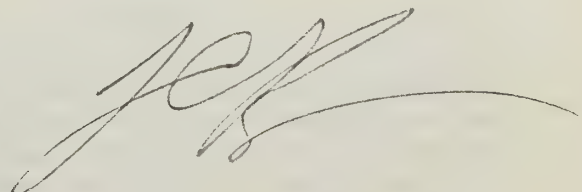
DEMOLITION

RECOMMENDATION

THAT THE BUILDING COMMISSIONER BE AUTHORIZED TO ISSUE DEMOLITION PERMITS FOR THE DEMOLITION OF RESIDENTIAL BUILDINGS LISTED BELOW.

BACKGROUND

1. 473 BURLINGTON ST. EAST
2. 3 GERRARD STREET
3. 5 GERRARD STREET
4. 7 GERRARD STREET
5. 9 GERRARD STREET
6. 10 GERRARD STREET
7. 11 GERRARD STREET
8. 12 GERRARD STREET
9. 24 GERRARD STREET
10. 29 GERRARD STREET
11. 391 SHERMAN AVENUE NORTH
12. 403 SHERMAN AVENUE NORTH





THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

October 21, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

CATEGORY "C" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED

Map: Ell
Zone: "K/S-727"
Lot Size:

ADDRESS: 473 BURLINGTON STREET EAST

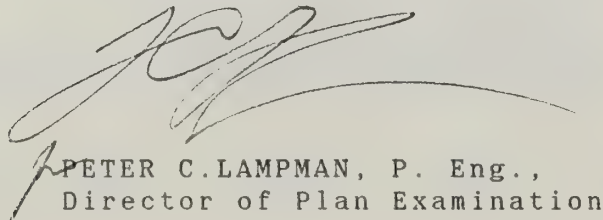
PRESENT USE: TWO FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: CITY OF HAMILTON

COMMENTS: SEE PROPERTY REPORT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION.


PETER C. LAMPMAN, P. Eng.,
Director of Plan Examination

RD/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner

MEMORANDUM • CITY OF HAMILTON

TO : Mr. Dan Vyce
Director of Property

YOUR FILE:

FROM : Mr. Robert Swan
Asst. Manager of Property Maintenance

OUR FILE :

SUBJECT : Inspection at 473 Burlington
Street East

DATE : May 14/87

We inspected the property at 473 Burlington Street East on May 7th, 1987 at 2:00 pm. The dwelling is a two-storey wood frame structure on a rough poured concrete basement. The wood structure is covered on the exterior with slate/asphalt siding. The large chimney on the east side of the house above the roof line is in disrepair and requires extensive pointing and repair. No chimney liner was visible.

Approximate cost of necessary chimney repairs \$600.00
Approximate cost of chimney liner if required..... \$600.00

The exterior of several wooden window and door frames exhibit signs of deterioration. Three or four exterior window frames are aluminum clad. The soffit and fascia have deteriorated and holes exist in some areas requiring repairs.

Approximate cost of window, soffit, and fascia repairs.....\$1500.00

The eavestroughs appear serviceable. A new shingle roof was installed approximately two years ago and appears to be in good condition. Some repairs have been conducted by the owner to the front and rear, first and second floor porches. They are in fair condition but stairways are steep and narrow and not in conformance with prevailing codes.

Approximate cost of repairs to porches and stairs.....\$1200.00

Internally the house appears to be reasonably sound structurally. A jack stand and several shims have been added recently in the basement to support and level floor joists and main supporting beams.

The plumbing is in very poor condition throughout the dwelling. A single unmetered service feeds potable water lines which are primarily galvanized pipe with some copper installed as repairs were required. Several areas of galvanized pipe contain active leaks and other areas have deteriorated badly. Drainage piping is a combination of galvanized and cast iron and life expectancy is

minimal with repairs inevitable in the near future. Some plumbing fixtures and taps have been serviced while others are in marginal condition.

There are two Knight Cascade 40 electric hot water heaters in the basement, one unit supplying the first level and a second heater supplying the upper floor of the dwelling. No rental stickers are visible on the units. They are approximately 4-6 years old according to the owner and appear to be in reasonable condition although some rust appears at the base of the metal cladding around the tanks.

The house is heated by a gas fired Smart "Chinook" forced air furnace, approximately 8-12 years old as indicated by the owner. A furnace mounted humidifier has been leaking for some time and an area of ductwork is very rusty. Internal heat exchanger damage from this leakage is indeterminate at present although the furnace apparently functioned well this past heating season. The humidifier should be removed and the furnace inspected.

Approximate cost \$100.00
If replacement furnace is required, approximate cost.....\$1800.00

The dwelling is supplied with gas from a single meter servicing the furnace in the basement and a gas stove on the ground floor. The electrical system to the house from the street is a 3-wire feed to two hydro meters and corresponding 60 amp services. Inside, the main disconnects and fuse panels appear to be in reasonable condition although basement wiring is a combination of knob and tube, and current code wiring. There appear to be few grounded outlets throughout the dwelling and bathrooms contain no outlets.

Based on my inspection of this facility, I anticipate major problems both with the plumbing and electrical systems in the future and would recommend replacement of both services.

Current replacement costs of the electrical system is approximately\$1,500.00 - \$2,000.00
Major plumbing renovation could be anticipated at a current price of approximately\$2,500.00 - \$3,000.00

These estimates are based on general conditions which I observed. Penetration of floors and walls for the purpose of installing pipes and wiring may indeed reveal additional problems with inherent associated costs for patching and repairing.

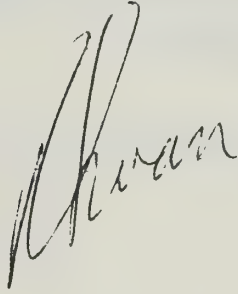
The exterior exposed wood framing and trim requires complete repair, preparation and painting .

Approximate cost \$1600.00

In summary, the minimum known cost to be expected for necessary repairs to this dwelling is approximately..... \$9000.00 provided no unforeseen problems develop during the refurbishing process.

In view of the cost and the general condition of this dwelling, we would recommend vacant possession and demolition. Please contact us if you have any further questions or concerns about this report or the property in question.

RS:gb



Robert Swan
ASST. MANAGER OF PROPERTY MAINTENANCE

Real Estate agree -
to demolition

Consent

REAL ESTATE DEPARTMENT

Date May 19/87

File No. <u>35.5.6</u>	INT.	INFO.	ACT
DIRECTOR			
ASSIST. DIR.			
CHIEF APPRAISER			
PROP. CONT. OFFICER			
RENTAL AGENT			✓
PROPERTY OFFICER			
<u>Ray</u>		✓	



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

October 21, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

CATEGORY "C" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED

Map: E-20
Zone: "K"
Lot Size:

ADDRESS: 3 GERRARD STREET

PRESENT USE: TWO FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: CITY OF HAMILTON

COMMENTS: PART OF ALPHA ENCLAVE (west) PLAN 1 TO BE SOLD
FOR FUTURE INDUSTRIAL DEVELOPMENT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION

A stylized, handwritten signature in dark ink, likely belonging to Peter C. Lampman.

PETER C. LAMPMAN, P. Eng.,
Director of Plan Examination

RD/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

October 21, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

CATEGORY "C" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED

Map: E-20

Zone: "K"

Lot Size:

ADDRESS: 5 GERRARD STREET

PRESENT USE: TWO FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: CITY OF HAMILTON

COMMENTS: PART OF ALPHA ENCLAVE (west) PLAN 1 TO BE SOLD
FOR FUTURE INDUSTRIAL DEVELOPMENT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION

A handwritten signature in ink, appearing to read 'P. Lampman'.

PETER C. LAMPMAN, P. Eng.,
Director of Plan Examination

RD/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

October 21, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

CATEGORY "C" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED

Map: E-20
Zone: "K"
Lot Size:

ADDRESS: 10 GERRARD STREET

PRESENT USE: SINGLE FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: CITY OF HAMILTON

COMMENTS: PART OF ALPHA ENCLAVE (west) PLAN 1 TO BE SOLD
FOR FUTURE INDUSTRIAL DEVELOPMENT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION

A handwritten signature in dark ink, appearing to read 'P. Lampman', written over a horizontal line.

PETER C. LAMPMAN, P. Eng.,
Director of Plan Examination

RD/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

October 21, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

CATEGORY "C" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED

Map: E-20

Zone: "K"

Lot Size:

ADDRESS: 11 GERRARD STREET

PRESENT USE: TWO FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: CITY OF HAMILTON

COMMENTS: PART OF ALPHA ENCLAVE (west) PLAN 1 TO BE SOLD
FOR FUTURE INDUSTRIAL DEVELOPMENT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION

A handwritten signature in dark ink, appearing to read 'P. Lampman'.

PETER C. LAMPMAN, P. Eng.,
Director of Plan Examination

RD/ggf

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PAUL KUPPE, P. Eng.
Building Commissioner



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

October 21, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

CATEGORY "C" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED

Map: E-20

Zone: "K"

Lot Size:

ADDRESS: 12 GERRARD STREET

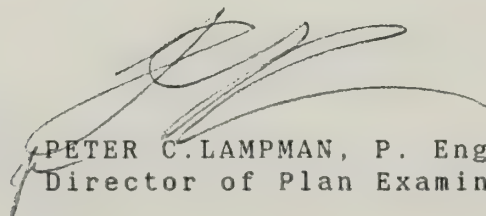
PRESENT USE: SINGLE FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: CITY OF HAMILTON

COMMENTS: PART OF ALPHA ENCLAVE (west) PLAN 1 TO BE SOLD
FOR FUTURE INDUSTRIAL DEVELOPMENT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION


PETER C. LAMPMAN, P. Eng.,
Director of Plan Examination

RD/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

October 21, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

CATEGORY "C" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED

Map: E-20

Zone: "K"

Lot Size:

ADDRESS: 24 GERRARD STREET

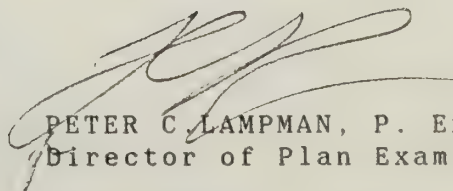
PRESENT USE: SINGLE FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: CITY OF HAMILTON

COMMENTS: PART OF ALPHA ENCLAVE (west) PLAN 1 TO BE SOLD
FOR FUTURE INDUSTRIAL DEVELOPMENT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION


PETER C. LAMPMAN, P. Eng.,
Director of Plan Examination

RD/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

October 21, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

CATEGORY "C" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED

Map: E-20

Zone: "K"

Lot Size:

ADDRESS: 403 SHERMAN AVENUE NORTH

PRESENT USE: SINGLE FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: CITY OF HAMILTON

COMMENTS: PART OF ALPHA ENCLAVE (west) PLAN 1 TO BE SOLD
FOR FUTURE INDUSTRIAL DEVELOPMENT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION

A handwritten signature in dark ink, appearing to read 'P. Lampman', written over the typed name and title.

PETER C. LAMPMAN, P. Eng.,
Director of Plan Examination

RD/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner

F O R A C T I O N

3b.
(i) - (iii)

FROM P. KUPPE

DATE October 21, 1987

TO J. THOMPSON

Refer To File No. _____

Attention Of _____

Your File No. _____

SUBJECT

DEMOLITION

RECOMMENDATION

IT IS RECOMMENDED THAT THE FOLLOWING APPLICATIONS BE TABLED.

BACKGROUND

1. 159 Hunter Street East
2. 163 Hunter Street East
3. 167 Hunter Street East



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

October 21, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS
UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY

Map: E-5
Zone: "L-mr-2"
Lot Size:

ADDRESS: 167 HUNTER STREET EAST

PRESENT USE: SINGLE FAMILY DWELLING

PROPOSED USE: CONDOMINIUM

OWNER: SCIULLO

COMMENTS: REZONING IS REQUIRED

RECOMMENDATION: IT IS RECOMMENDED THAT THIS APPLICATION BE
TABLED UNTIL ZONING IS APPROVED. THE PROPERTY
IS ALSO OF INTEREST TO L.A.C.A.C.

A handwritten signature in dark ink, appearing to read 'P. Lampman'.

PETER C. LAMPMAN, P. Eng.,
Director of Plan Examination

RD/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

October 21, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

CATEGORY "B" -- NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS
UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY

Map: E-5
Zone: "L-mr-2"
Lot Size:

ADDRESS: 163 HUNTER STREET EAST

PRESENT USE: SINGLE FAMILY DWELLING

PROPOSED USE: CONDOMINIUM

OWNER: DOLHANTY

COMMENTS: REZONING IS REQUIRED

RECOMMENDATION: IT IS RECOMMENDED THAT THIS APPLICATION BE
TABLED UNTIL ZONING IS APPROVED. THE PROPERTY
IS ALSO OF INTEREST TO L.A.C.A.C.

A handwritten signature in dark ink, appearing to read 'P. Lampman', written over the typed name and title.

PETER C. LAMPMAN, P. Eng.,
Director of Plan Examination

RD/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

October 21, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS
UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY

Map: E-5
Zone: "L-mr-2"
Lot Size:

ADDRESS: 159 HUNTER STREET EAST

PRESENT USE: SINGLE FAMILY DWELLING

PROPOSED USE: CONDOMINIUM

OWNER: IRENE HUNTER

COMMENTS: REZONING IS REQUIRED

RECOMMENDATION: IT IS RECOMMENDED THAT THIS APPLICATION BE
TABLED UNTIL ZONING IS APPROVED. THE PROPERTY
IS ALSO OF INTEREST TO L.A.C.A.C.

A handwritten signature in dark ink, appearing to read 'P. Lampman'.

PETER C. LAMPMAN, P. Eng.,
Director of Plan Examination

RD/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner

FOR ACTION

FROM Paul Kuppe, P. Eng.
Building Commissioner

October 14, 1987

TO Planning & Development
Committee

Refer to File No.

Attention of

Your File No.

SUBJECT 10 Robins Avenue

RECOMMENDATION

The Planning and Development Committee approve the submission of the attached By-law to Council. The By-law is for the demolition of the building as provided for in the Order dated December 18, 1985. The order was issued pursuant to Section 31(7) of the Planning Act, 1983 and was registered in the Land Registry Office on May 29, 1986 as Instrument No. 353516 C.D.

BACKGROUND

In response to complaints received, Property Standards enforcement procedures were completed. The Property described is an unoccupied dwelling some repair work was commenced but not completed. Nothing has been done for some time. Because of progressive deterioration and the adverse effect on the neighbourhood it is advisable to carry out the demolition as provided for in the Order.

[Handwritten signature]

The Corporation of the City of Hamilton

BY-LAW NO.

To Authorize:

DEMOLITION AND CLEARING OF
BUILDINGS, STRUCTURES, DEBRIS OR REFUSE AT

10 Robins Avenue

WHEREAS a Notice dated the 13th day of November, 1985 was served or caused to be served in accordance with Subsection 6 of Section 31 of The Planning Act, 1983;

AND WHEREAS an Order dated the 18th day of December, 1985 was served or caused to be served in accordance with Subsection 7 of Section 31 of the said Act;

AND WHEREAS no appeal has been made from the said Order in accordance with Subsection 16 of Section 31 of the said Act;

AND WHEREAS the buildings and structures situate on the land more particularly described in Schedule "A" have not been repaired or demolished and the site cleared as required by the said Order;

AND WHEREAS the said buildings and structures are not in conformity with the standards prescribed in The Property Standards By-Law No. 74-74 and are in a ruinous and deteriorated condition;

AND WHEREAS in accordance with Subsection 20 of Section 31 of the said Act, the Corporation has the right to demolish or repair the property in the event that the Order has not been complied with;

AND WHEREAS it is desirable to demolish the buildings and structures and to clear the site in order to secure the health, welfare and safety of the inhabitants of the area;

AND WHEREAS pursuant to Clause (c) of Section 36 of The Property Standards By-Law No. 74-74, as amended, the final amount expended by the City to demolish the buildings, together with interest, is a lien against the property in respect of which the amount was expended and the certificate of the City Clerk as to such amount is final and such amount is deemed to be taxes and may be added to the collector's roll to be collected in the same manner as municipal taxes.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. The Building Commissioner is hereby authorized and directed to provide for the demolition and clearing of all buildings, structures, debris or refuse on the land known as municipal number 10 Robins Avenue, more particularly described in the attached Schedule "A", and to leave the land in a graded and levelled condition.

2. It is hereby authorized and directed that the amount expended for the work done shall be added to the collector's roll and shall be collected in the same manner as municipal taxes.

PASSED this day of A.D. 19

CITY CLERK

MAYOR

SCHEDULE "A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth and Province of Ontario, and being composed of Lot No. Six (6) in Block R, situated on the east side of Robins Avenue in the Kenilworth Subdivision of Part of Lots Two (2), Three (3) and Four (4) in the Second Concession of the former Township of Barton, according to Plan thereof filed by The Frontier Realty Company Limited as Number 395.

TOGETHER with the perpetual right-of-way, to the said Grantee, his heirs, executors, administrators and assigns in common with others legally entitled thereto for persons, animals, vehicles, of ingress, egress and regress to and from the said lands over and upon Lot Number Eight (8) and over and upon a strip of land lying immediately to the east of Lot Eight (8), being part of Lot "A" in Block "R" according to Plan 395, and being Twenty-five feet (25') wide extending easterly from said Lot Eight (8) to the Hamilton Waterworks Pipe Line, the northerly boundary of the said right-of-way being the northerly boundary of said Lot Eight (8) produced easterly to the northerly boundary of the Hamilton Waterworks Pipe Line, the southerly boundary of said right-of-way being the southerly boundary of said Lot Eight (8) produced easterly to the northerly boundary of the Hamilton Waterworks Pipe Line and the easterly boundary of the said right-of-way being the northerly boundary of the said Hamilton Waterworks Pipe Line.

DEPARTMENT OF LANDS AND FORESTS
Dm

**- NOTICE -**

Pursuant to section 31 (6) of the Planning Act, 1983

Issued To:

Steven Carl Petrash
10 Robins Avenue
Hamilton, Ontario
L8H 4M7

Municipal Address:

10 ROBINS AVENUE
Lot No. 6, Block R in Kenilworth
Subdivision of Part Lots 2, 3 & 4, in
Second Concession, Township of Barton
Registered Plan No. 395
More Particularly described in Instrument
Number 261092 C.D., registered in the
Registry Office at Hamilton, Ontario.

TAKE NOTICE that the Property at the above address is in Contravention of the standards prescribed in By-Law # 74-74 as amended, as outlined herein.

ITEM	BY-LAW SECTION	PARTICULARS OF CONTRAVENTION
1.	4(2)	The <u>front foundation</u> is in a deteriorated unsound condition.
2.	8(5)(a)	The <u>eavestrough or gutter</u> is deteriorated and is not watertight and free from leaks.
3.	4(2)	The exterior <u>cladding</u> is in a deteriorated condition.
4.	19(1)(c)	The <u>yard</u> is not free from metal and wood.

AND TAKE NOTICE that you as the Owner or Person having a financial interest are hereby given notice that the said property does not conform with the Property Standards By-Law 74-74 as outlined herein.

Representation may be made to the undersigned in this regard within thirty-three (33) days of issuance of this Notice.

Appointments may be made by calling 526-2782, between the hours of 8:00 a.m. and 9:00 a.m.

Failure to carry out the necessary work will result in an Order being issued pursuant to Section 31(7) of the Planning Act and/or charges laid for non-compliance with the Property Standards By-Law 74-74 as amended.

ISSUED ON: November 13, 1985

SERVED BY: Registered Mail

PROPERTY STANDARDS OFFICER: Clifford Booth

DATE: November 13, 1985

SIGNATURE:

Clifford Booth

WITNESS:

[Signature]



THE CORPORATION OF THE CITY OF HAMILTON
DEPARTMENT OF BUILDINGS
HAMILTON, ONTARIO

- ORDER -

Pursuant to section 31 (7) of the Planning Act, 1983

Issued To:

Mr. Steven Petrash
10 Robins Avenue
Hamilton, Ontario
L8H 4M7

Municipal Address:

10 ROBINS AVENUE
Lot No. 6 Block R Kenilworth Subdivision
Registered Plan No. 395
More Particularly described in Instrument
Number 261092 C.D., registered in the
Registry Office at Hamilton, Ontario.

TAKE NOTICE that you as the Owner are hereby ordered to carry out the work as outlined herein which is in contravention of the Property Standards By-Law 74-74 as amended - or alternately the site be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition within thirty-three (33) days of service of this Order.

ITEM	BY-LAW SECTION	PARTICULARS OF THE REPAIRS TO BE EFFECTED
1.	4(2)	Repair the deteriorated <u>foundation</u> to make it structurally sound. <u>(front)</u>
2.	8(5)(a)	Repair the <u>eavestrough or gutter</u> to be watertight and free from leaks.
3.	4(2)	Repair the deteriorated <u>exterior cladding</u> .
4.	19(1)c)	Remove the metal, wood and used furniture from the <u>property</u> .

TAKE NOTICE that a Building Permit is required before demolition work or any material alteration or repair to a building or system is done.

AND TAKE NOTICE FURTHER that in default of compliance with the foregoing, within the time specified herein:-

- a) The Corporation of The City of Hamilton may carry out the repair or clearance at the expense of the owner, and
- b) Every owner who contravenes an Order that is final and binding, on summary conviction is liable to a fine not exceeding \$500.00 for each day of contravention that he is in contravention of such an Order.
- c) Notice of Appeal shall be sent by Registered Mail to the Secretary of the Property Standards Committee, City Hall, 71 Main Street West, Hamilton, Ontario.
- d), THE LAST DATE of appeal of this Order is January 20, 1986.

ISSUED ON: December 18, 1985

SERVED BY: Registered Mail

PROPERTY STANDARDS OFFICER: Clifford Booth

DATE: December 18, 1985

SIGNATURE:

Clifford Booth

WITNESS:

[Signature]

END OF DOCUMENT

FOR ACTION

3d.

FROM Mr. Paul Kuppe, P. Eng.

DATE October 6th, 1987

TO Planning and Development

REFER TO FILE NO. _____

ATTENTION OF: Larry Harvey

YOUR FILE NO. _____

SUBJECT:

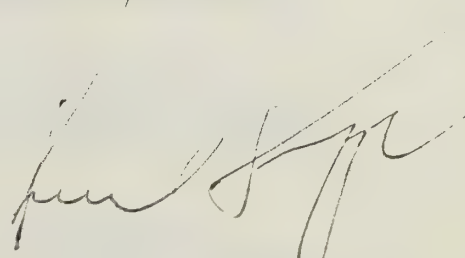
Appointment of Inspectors By-Law 81-224

RECOMMENDATION:

That the Planning and Development Committee approve the attached by-law, and then submit to Council for their approval.

BACKGROUND:

Because of the recent changes in the staff of the Building Department, we would request that By-Law 81-224 be consolidated to reflect these changes.



The Corporation of the City of Hamilton

BY-LAW NO. 87-

Respecting:

THE CHIEF BUILDING OFFICIAL AND INSPECTORS APPOINTED UNDER
THE BUILDING CODE ACT

WHERE The Building Code Act, 1974 was proclaimed and came into force on December 31st, 1975;

AND WHEREAS Ontario Regulation 925/75 made on November 12th, 1975 and filed on November 24th, 1975 in accordance with Section 18 of The Building Code Act, 1974, established the building code for Ontario;

AND WHEREAS subsection 1 of section 3 of The Building Code Act, 1974, provided that the council of each municipality is responsible for the enforcement of the Act in the municipality;

AND WHEREAS subsection 2 of section 3 of The Building Code Act, 1974 provides that each municipality shall appoint a chief building official and such inspectors as are necessary for the purpose of the enforcement of the Act;

AND WHEREAS By-Law No. 78-211, passed on the 25th day of July, 1978, and By-Law 81-224, passed on the 28th day of July, 1981, consolidated previous by-laws into one by-law in view of the changes in inspection staff and appointments;

AND WHEREAS it is desirable to further consolidate into one by-law all changes in inspection staff and appointments since By-Laws 78-211 and 81-224 were enacted.

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. (a) The following person is appointed chief building official:

Paul J. Kuppe, P. Eng.

-
- (b) The title of the chief building official shall be as follows:

Building Commissioner

-
-
2. (a) The following person is appointed an Inspector:

Leonard C. King

-
-
-
- (b) The title of the inspector appointed under clause (a) shall be as follows:

Deputy Building Commissioner

3. The person appointed inspector under clause (a) of section 2 is hereby appointed chief official during the absence for any reason of the person appointed chief building official under section 1.

4. (a) The following person is appointed an inspector:
Brian D. Allick
(b) The title of the inspector appointed under clause (a) shall be as follows:
Director of Inspections

5. (a) The following person is appointed an inspector:
Larry W. Harvey
(b) the title of the inspector appointed under clause (a) shall be as follows:
Assistant Director of Inspections.

6. (a) The following person is appointed an Inspector:
Peter Lampman, P. Eng.
(b) The title of the inspector appointed under clause (a) shall be as follows:
Director of Plan Examination

7. (a) The following persons are each appointed an inspector:
Robert H. Bradshaw
Alexander Fedora
George A. Korz
Charles Hewitt
Donald J. Inglis
Douglas Clark
John Spolnik
William Pooler
(b) The title of each of the inspectors appointed under clause (a) shall be as follows:
Senior Inspector.

8. (a) The following persons are each appointed an inspector:
Jan Janosik, P. Eng.
Wing S. Lee, P. Eng.
Mudbidri Somasheker Rao, P. Eng.
Wak-Kuen Wong, P. Eng.
Thomas Redmond, P. Eng.
(b) The title of each of the inspectors appointed under clause (a) shall be as follows:
Building Engineer 1

9. (a) The following persons are each appointed an inspector:

Michael Roberts
Bauwe Bethlehem
Italo J. Dominic
John Ivezic
Rex Mansell
Michael Reilly
Morris Marsalla
Michael Shepherd
Gerald N. Farrell
John Thomas
James Finlay
Peter Gobbo
Rae Ilton
Johnny Walker
Howard MacMillan
Steven Kuczerepa
Bernardo Agro
Brian Baxter
George Bowring
Donald Bodnar
Michelle Oproiu
Bryan Moon
Russell J. Dorr
William Baxter
David Gibson
Sandra Tucker

10. By-Law No. 81-224, as amended by By-Laws No. 83-195, 85-179, 86-286, is repealed.

PASSED this day of A.D. 1987.

City Clerk

Mayor

F O R A C T I O N

FROM E. W. Kowalski, Director
Department of Community Development

DATE 1987 October 21

TO Planning and Development Committee

Refer To File No. SLL #6

Attention Of

Your File No.

SUBJECT

Second Level Lodging Home Rehabilitation Programme

RECOMMENDATION

That a loan increase in the amount of \$1,625. be approved for Milton and Annetta Brown, owners of a Second Level Lodging Home at 90 Emerald Street South. The total loan would now be \$18,448.

Am. Acad. Sci.

BACKGROUND

The Department of Community Development wishes to advise that additional work was deemed necessary at the above mentioned Second Level Lodging Home, at an increased cost of \$1,625. This increase has been approved by the Building Department as an eligible item under the Programme.

The Planning and Development Committee previously approved a loan for Milton and Annetta Brown on 1987 February 25, in the amount of \$16,823. City Council subsequently approved the application on 1987 March 10.

For the information of the Committee, the interest rate under the subject Programme is three (3) percent amortized over a ten year period.

FOR ACTION

OCT 22 1987

5b.

FROM Mr. E. W. Kowalski, Director,
Community Development DATE 1987 October 22

TO Planning and Development Committee Refer To File No. Heritage #10

Attention Of _____

Your File No. _____

SUBJECT

Designated Property Grant - 250 James Street South

RECOMMENDATION

That a Designated Property Grant in the amount of one thousand, eight hundred dollars (\$1,800.00) be provided to Mr. R. Grant, 250 James Street South.

E. Kowalski

BACKGROUND

The Planning and Development Committee, in a report dated 1982 December 06, approved the Department of Community Development's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of ten thousand dollars (\$10,000.) for the purpose of implementing the programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the programme, plus a ten percent (10%) administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to three thousand dollars (\$3,000.) or fifty percent (50%) of the cost, whichever is less, for the replacement of the heritage features. The properties receiving funds under the programme must be designated by Council as heritage properties and this was done by Council 1985 December 10. The owner of the designated property located at 250 James Street South has applied under the programme for slate roof repairs. Mr. Grant has obtained two (2) estimates for the work, and attached herewith is a copy of the approved estimate.

As per the terms of the programme, the Local Architectural Conservation Advisory Committee (LACAC) has approved the work.

Planning and Development
Committee

BACKGROUND: (continued)

The Department of Community Development therefore recommends that a Designated Property Grant in the amount of one thousand, eight hundred dollars (\$1,800.) be approved for slate roof repairs at 250 James Street South. The total cost for the repairs is three thousand, six hundred dollars (\$3,600.).



- ★ Specialists in Slate Roofing
- ★ Tuckpointing of Buildings
- ★ Experts in Steeple Work
- ★ Asphalt Shingle Roofing
- ★ Aluminum Siding
- ★ Eavestroughing

99 Corman Avenue, Stoney Creek, Ont. L8G 3W3 - Phone 662-8343

Mr. J. Grant
250 James St. South
Hamilton Ont.

September 17, 80

Dear Mr. Grant:

Upon our investigation of the slate roof and the flat deck areas, the following is the scope of work to be done and the total amount.

- 1.) Repairs to missing and broken slates.
- 2.) To coat all metal work, valleys, ridges, saddles, counterflashings and metal roof's on the dormers, with a rust inhibiant paint to prevent further deterioration.
- 3.) Renail ridges and flashings where required.
- 4.) To re-roof the flat deck areas including the one metal roof at the vary most top of roof, with a salvage-edge type roll-roofing.
- 5.) In general, a thorough job will be given to ensure that the roof will be in top-notch shape.

Total amount for this work - - - - \$ 3,600.00

Dear Mr. Grant, please let us know at Your earliest convience so that we can schedule this work.

If there are any further questions or services that we can give to You, please give us a call.

Trusting that everything is in order, we remain,

Yours Truly,

Dutch Roofing Inc.

5c.

FOR INFORMATION

FROM E. W. Kowalski, Director
Community Development Department

DATE 1987 October 30

TO Planning and Development Committee

Refer To File No. 800-0606

Attention Of _____

Your File No. _____

SUBJECT

Corktown Stinson Ontario Neighbourhood Improvement Programme.

BACKGROUND

The Corktown Stinson Ontario Neighbourhood Improvement Programme (O.N.I.P.) is provided for in the 1986-1990 Capital Budget as project number D37004 at the gross cost of \$900,000.

A requirement of this programme is that \$300,000. be spent during the 1987-1988 Provincial fiscal year. Therefore it was essential that tenders were called to appoint a contractor to proceed with construction this fall.

Tenders closed 1987 October 02 for the Corktown Stinson Ontario Neighbourhood Improvement Programme for site improvements, landscaping and park development at Central Memorial Recreation Centre, Wolverton Park and Hunter Street/East Avenue Park.

The City of Hamilton received few bids, which were extremely high in price. Since there were insufficient funds to proceed, without deleting projects, the Department of Community Development contacted P. Boles, Ministry of Municipal Affairs, to delay the flow of monies until re-tendering, with further revision of the specifications, could be done in 1988 February. Subsequently bids should be lower. This matter was reviewed with the Landscape Architect and T. Bradley, Manager of Purchasing.

Initially, the Corktown Stinson Ontario Neighbourhood Improvement Programme was hastened due to the guidelines of the programme as set out by the Ministry of Municipal Affairs, who have stated they will make a concession in our favour because of the special circumstances of this project.

c.c. Parks and Recreation Committee



OCT 19 1987

6a

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 October 15
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 20.1.284(2738)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Part Lot 36, Plan M-227 - Hamilton Industrial Park #1
Nebo Road - 732303 Ontario Limited -

RECOMMENDATION

That an Offer to Purchase the lands of The Corporation of the City of Hamilton, being part of Lot 36, Plan M-227, Hamilton Industrial Park #1, located on Nebo Road, duly executed on October 13, 1987 by the Purchaser, 732303 Ontario Limited, and scheduled for closing on February 1, 1988, be approved and completed.

Note: The purchase price is \$51,000.00. A deposit cheque in the amount of \$5,100.00 is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the eastern limit of Nebo Road, having a frontage of 100.016 feet by a depth of 444.81 feet/443.91 feet and containing an area of 1.02 acres.

It is understood and agreed that the Vendor upon completion of this transaction will pay a 5% Real Estate Commission to Riverso Real Estate Limited, 1362 Main Street East, Hamilton, Ontario L8K 1B7, whose agent, Mr. Umberto Costabile acted in this matter.

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, which terms should be included in the Committee's resolution to City Council.

1987 October 15
Planning & Development Committee
Page 2

BACKGROUND

This Division has received an inquiry from Mr. Umberto Costabile of Rivero Real Estate Limited, agent for 732303 Ontario Limited, as to the possibility of purchasing a 1.02 acre parcel of land on Nebo Road. The Purchasers plan to build an 8,500 square foot industrial building for their kitchen cabinet and counter top manufacturing operation and will employ some eight persons.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
 - Mr. M. Chidley, Regional Surveyor

OFFER TO PURCHASE

I/We 732303 ONTARIO LIMITED of the City of Hamilton
in the Regional Municipality of Hamilton-Wentworth hereinafter called the Purchaser,
hereby agree to and with THE CORPORATION OF THE CITY OF HAMILTON,
hereinafter called the Vendor,

to purchase all and singular that certain parcel or tract of land and premises
situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth
and being composed of part of Lot 36, Plan M-227, more particularly described as
Part 2, Plan 62R-8631, said parcel having a frontage of 30.485 m (100.016 feet)
along the eastern limit of Nebo Road, by a depth of 135.578m/135.304 m (444.81 feet/
443.91 feet) and containing an area of 1.02 acres, as shown in heavy outline on the
attached plan.

at the price of FIFTY-ONE THOUSAND -----DOLLARS (\$ 51,000.00-----)
of lawful money of Canada, payable as follows:-

- (a) A deposit of FIVE THOUSAND, ONE HUNDRED-----DOLLARS (\$ 5,100.00-----)
by certified cheque payable to the Vendor.
- (b) The balance of the purchase price namely FORTY-FIVE THOUSAND, NINE-----
HUNDRED-----DOLLARS (\$ 45,900.00-----)
with interest as hereinafter provided, and subject to
adjustments, by certified cheque on the closing of this transaction.

Provided that this Offer to Purchase is subject to the following conditions:-

1. This Offer shall be irrevocable by the Purchaser and may be accepted by the Vendor up to but not after the 17th day of November 19 87 , by a letter mailed or delivered to the Purchaser at c/o Mr. Ivan Marini, Barrister & Solicitor, 105 Main Street East, Suite 507, Hamilton, Ontario, L8N 1G6
2. In the event that this Offer is not accepted, this Offer and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the deposit shall be returned by the Vendor without interest and the Vendor shall not be liable for any damages or costs.
3. In the event of and upon the acceptance of this Offer, this Offer and the letter of acceptance shall be a binding contract of purchase and sale and shall be completed in accordance with the terms hereof.
4. The title is good and free from all encumbrance, except as to any registered restrictions or covenants.
5. The Purchaser is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Vendor.
6. The Purchaser is to be allowed thirty days from the date of acceptance of such Offer to examine the title at his own expense. If within that time any valid objection to title is made in writing to the Vendor, or its Solicitor, which the Vendor shall be unable or unwilling to remove and which the Purchaser will not waive, the contract arising out of the acceptance of this Offer shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and all monies shall be returned by the Vendor without interest and it shall not be liable for any damages or costs. Save as to any valid objection so made within such time the Purchaser shall be conclusively deemed to have accepted the title of the Vendor to the real property.

6.1. The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the transfer to him:

- (a) to pay municipal, realty and business taxes;
- (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
- (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
- (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
- (e) to pay building permit application fee;
- (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
- (g) to pay for the connection of all utilities to the premises;
- (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
- (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
- (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.

6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.

6.3 In consideration for the transfer of the hereinbefore described land to the transferee, in addition to payment of the sale price to the transferor, the transferee covenants and agrees to and with the transferor:

1. That the transferee shall commence construction of a building, having a minimum building area of 8,500 square feet, upon the hereinbefore described land by not later than August 1st, 1988.

Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the transferee shall complete construction of the said building by not later than August 1st, 1989 .

The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

3. That no transfer of the hereinbefore described land shall be made by the transferee until The Corporation of the City of Hamilton confirms that covenants 1 and 2 have been complied with.

Continued.....1(b)

4. In the event that the transferee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the transferee covenants and agrees that the transferee shall sell the lands to the transferor, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the transferor, for the sale price herein, (without any interest) - less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.
5. The said transferor as registered owner and the said transferee hereby apply to request and authorize the Land Registrar to have Notice of the covenants set out above entered on the Register of the land being transferred herein to the said transferee.
- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the transfer to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.

7. This transaction shall be closed on or before the 1st day of February 1988
8. On the closing of this transaction, the Vendor will convey the said lands to the Purchaser by a good and sufficient deed thereof in fee simple, free and clear of dower rights and all encumbrances, except as to any registered restrictions or covenants, and shall deliver vacant possession of the said lands to the Purchaser free of all tenancies.
9. The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in paragraph 7 hereof.
10. Pending completion of this transaction, the Vendor will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the Purchaser may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Offer whether accepted or not and have all monies theretofore paid returned without interest.
11. The deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee the deed or transfer is to contain trustee covenants only.
12. This agreement and its acceptance is to be read with all changes of gender or number required by the context.
13. In the event of failure of the Purchaser to complete this transaction by the date set out in paragraph 7 hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder.
14. Any tender of documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.
15. It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.
16. It is understood and agreed that the Vendor upon completion of this transaction will pay a 5% Real Estate Commission to Riverco Real Estate Limited, 1362 Main Street East, Hamilton, Ontario, L8K 1B7, whose agent Mr. Umberto Costabile acted in this matter.

Time shall be of the essence of this Agreement, which shall enure to the benefit of and be binding upon the Purchaser, his heirs, executors, administrators, successors and assigns, and shall enure to the benefit of and be binding upon the Vendor, its successors and assigns.

DATED at Hamilton this 13 day of October 19 87

SIGNED, SEALED AND DELIVERED)

in the presence of)
) 732303 ONTARIO LIMITED (Seal)
) PER: [Signature] (Seal)
) SERGIO LAURETANI, President
) (Seal)

Name of Purchaser's Solicitor Mr. J. Ivan Marini, Barrister & Solicitor

Address of Purchaser's Solicitor 105 Main Street East, Hamilton, Ontario,
(Suite 507) L8N 1G6 (528-7534)



RECEIVED

OCT 14 1987

CITY CLERKS

6b

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 October 09
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. (2738)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Sale - Stone Church Road East - Carlo DelSordo

RECOMMENDATION

That an Offer to Purchase the lands of The Corporation of the City of Hamilton being composed of part of Lot 3, Concession 7, Township of Barton, comprised of the northerly 283 feet of Part 8, Plan 62R-4187 and containing approximately 0.39 acres duly executed on October 8, 1987 by the Purchaser, Carlo DelSordo, and scheduled for closing on April 12, 1988 be approved and completed.

Note: The purchase price is \$11,700.00. A deposit cheque in the amount of \$1,170.00 is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of vacant land located north of the limit of Stone Church Road East, 60 feet by 283 feet and containing an area of 0.39 acres.

The closing of this transaction is conditional upon the simultaneous completion of the transaction between Carlo DelSordo and the Regional Municipality of Hamilton-Wentworth concerning the sale of

Part of Lot 3, Concession 7, Township of Barton, comprised of the land 170 feet frontage by 283 feet depth immediately to the east of the northerly 283 feet of Part 8, Plan 62R-4187 - subject to survey.

mg wdw

BACKGROUND - Page 2

BACKGROUND

This Division has received an inquiry from Mr. Carlo DelSordo as to the possibility of purchasing a 0.39 acre parcel of land, north of Stone Church Road East. The purchaser plans to simultaneously purchase a 1.11 acre parcel of land immediately to the east of this City parcel, from the Regional Municipality of Hamilton-Wentworth, and on the combined parcel, build a 6,000 square foot industrial building for his contracting business.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor

OFFER TO PURCHASE

I/~~X~~ Carlo DEL SORDO

of the City of Hamilton

in the Regional Municipality of Hamilton-Wentworth hereinafter called the Purchaser,

hereby agree to and with THE CORPORATION OF THE CITY OF HAMILTON,

hereinafter called the Vendor,

to purchase all and singular that certain parcel or tract of land and premises situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth and being composed of Part of Lot 3, Concession 7, Township of Barton, comprised of the northerly 283 feet of Part 8, Plan 62R-4187 and containing approximately 0.39 acres. The most southerly 17 feet of Part 8, Plan 62R-4187 to be conveyed to the Regional Municipality of Hamilton-Wentworth for road widening purposes.

at the price of ELEVEN THOUSAND, SEVEN HUNDRED-----DOLLARS (\$11,700.00-----)
of lawful money of Canada, payable as follows:-

- (a) A deposit of ONE THOUSAND, ONE HUNDRED AND SEVENTY-----DOLLARS (\$ 1,170.00-----)
by certified cheque payable to the Vendor.
- (b) The balance of the purchase price namely TEN THOUSAND, FIVE HUNDRED-----
AND THIRTY-----DOLLARS (\$10,530.00-----)
with interest as hereinafter provided, and subject to
adjustments, by certified cheque on the closing of this transaction.

Provided that this Offer to Purchase is subject to the following conditions:-

1. This Offer shall be irrevocable by the Purchaser and may be accepted by the Vendor up to but not after the 21st day of December 19 87, by a letter mailed or delivered to the Purchaser at c/o Mr. Joseph Maziarz, Barrister & Solicitor, 20 Jackson Street West, Suite 410, Hamilton, Ontario, L8P 1L2
2. In the event that this Offer is not accepted, this Offer and everything herein contained shall be null and void and no longer binding upon any of the parties hereto and the deposit shall be returned by the Vendor without interest and the Vendor shall not be liable for any damages or costs.
3. In the event of and upon the acceptance of this Offer, this Offer and the letter of acceptance shall be a binding contract of purchase and sale and shall be completed in accordance with the terms hereof.
4. The title is good and free from all encumbrance, except as to any registered restrictions or covenants.
5. The Purchaser is not to call for the production of any title deeds, abstract or evidence of title except such as are in the possession of the Vendor.
6. The Purchaser is to be allowed thirty days from the date of acceptance of such Offer to examine the title at his own expense. If within that time any valid objection to title is made in writing to the Vendor, or its Solicitor, which the Vendor shall be unable or unwilling to remove and which the Purchaser will not waive, the contract arising out of the acceptance of this Offer shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and all monies shall be returned by the Vendor without interest and it shall not be liable for any damages or costs. Save as to any valid objection so made within such time the Purchaser shall be conclusively deemed to have accepted the title of the Vendor to the real property.

7. This transaction shall be closed on or before the 12th day of April 1988 in accordance with terms and conditions as described in Schedule "A" attached which forms part of this agreement.
8. On the closing of this transaction, the Vendor will convey the said lands to the Purchaser by a good and sufficient deed thereof in fee simple, free and clear of dower rights and all encumbrances, except as to any registered restrictions or covenants, and shall deliver vacant possession of the said lands to the Purchaser free of all tenancies.
9. The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in paragraph 7 hereof.
10. Pending completion of this transaction, the Vendor will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the Purchaser may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Offer whether accepted or not and have all monies theretofore paid returned without interest.
11. The deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee the deed or transfer is to contain trustee covenants only.
12. This agreement and its acceptance is to be read with all changes of gender or number required by the context.
13. In the event of failure of the Purchaser to complete this transaction by the date set out in paragraph 7 hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder.
14. Any tender of documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.
15. It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Time shall be of the essence of this Agreement, which shall enure to the benefit of and be binding upon the Purchaser, his heirs, executors, administrators, successors and assigns, and shall enure to the benefit of and be binding upon the Vendor, its successors and assigns.

DATED at

14 AM

this

5 day of

October

19

87

SIGNED, SEALED AND DELIVERED)

. in the presence of

Carlo DEL SORIO

(Seal)

(Seal)

(Seal)

Name of Purchaser's Solicitor Mr. Joseph Maziarz, Barrister & Solicitor

Address of Purchaser's Solicitor 20 Jackson Street West, Suite 410

Hamilton, Ontario, L8P 1L2 (529-7171)

3/27/84

SCHEDULE "A"

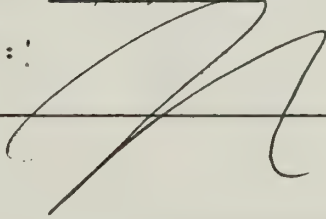
The closing of this transaction is conditional upon the simultaneous completion of the transaction between Carlo DEL SORDO and the Regional Municipality of Hamilton-Wentworth concerning the sale of

Part of Lot 3, Concession 7, Township of Barton, comprised of the land 170' frontage by 283' depth immediately to the east of the northerly 283' of Part 8, Plan 62R-4187 - subject to a survey",

said Offer to Purchase is attached hereto.

DATED AT HAN this 8 day of Oct 1987.

WITNESS:




CARLO DEL SORDO

PART 2

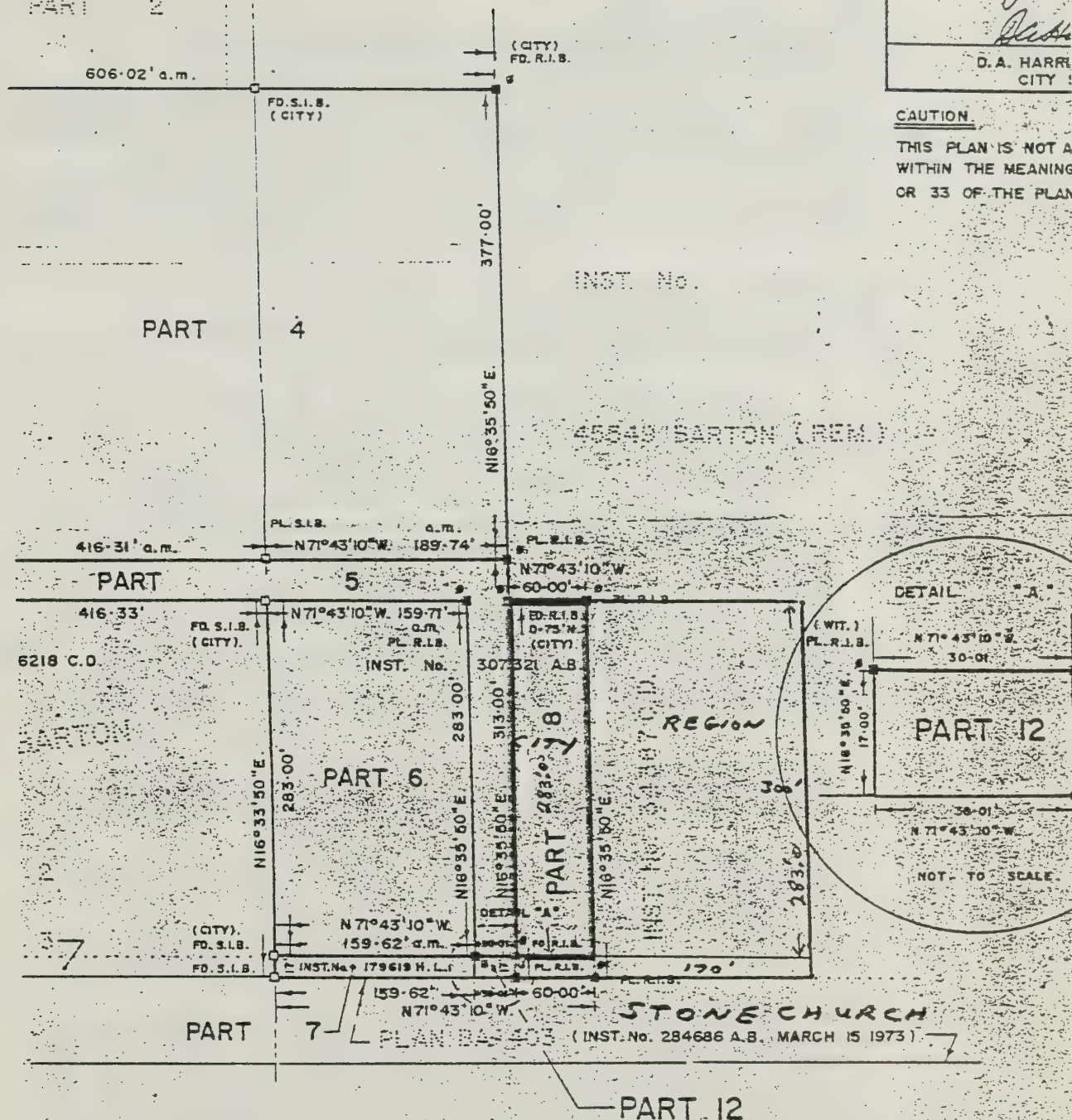
UNDER PART 1
OF THE RI

DATE. *Nov 4*

D. A. HARRIS
CITY

CAUTION

THIS PLAN IS NOT A
WITHIN THE MEANING
OR 33 OF THE PLAN



LEGEND

- S.I.B. DENOTES STANDARD IRON BAR 1" sq. x 4' long.
-⊖- R.I.B. " " ROUND IRON BAR 3/4" dia. x 2' long

PL. = PLANTED. FD. = FOUND. H-W.R. = HAMILTON - WENTWORTH REGION. WIT. = WITNESS

BEARINGS HEREON ARE ASTRONOMIC DERIVED FROM THE ONTARIO CO-ORDINATE SYSTEM, ZONE-10, CENTRAL MERIDIAN 79° 30' WEST LONGITUDE.

AREA:

1121 sq. ft.
1-0348 ac.
7-1234 ac.
5-2353 ac.
0-6137 ac.
1-0371 ac.
2712 sq. ft.
0-4130 ac.
0-1148 ac.
0-6208 ac.
1-3835 ac.
510 sq. ft.

CITY OF HAMILTON

DEPARTMENT OF ENGINEERING - LAND SURVEYING

UPPER OTTAWA STREET. LANDS TO BE PURCHASED & SOLD AT N.E.

SURVEY BY	D. J. S.	FIELD BOOK	B. 20. P-110-114	FILE No.	827-0013	DATE	DA
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DRAWN BY	C. R. F.	REF. DWG'S	RA-H-128, RC-H-133, SP-1079, SP-1080	CH
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APPROVED

CITY ENGINEER

CITY SURVEYOR

PLAN No. SS-14

OFFER TO PURCHASE

I/We Carlo DEL SORDO
of the City of Hamilton
in the Regional Municipality of Hamilton-Wentworth
hereinafter called the Purchaser,
hereby agree to and with THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH,
hereinafter called the Vendor, to purchase all and singular that certain parcel
or tract of land and premises situate in the City of Hamilton
in the Regional Municipality of Hamilton-Wentworth and being composed of Part of Lot 3,
Concession 7, Township of Barton, comprised of the lands 170' frontage by 283' depth
immediately to the east of the northerly 283' of Part 8, Plan 62R-4187 - subject to a
survey", and containing approximately 1.11 acres.

hereinafter called the said lands
at the price of THIRTY-THREE THOUSAND, THREE HUNDRED DOLLARS (\$33,300.00-----)
of lawful money of Canada, payable as follows:

- (a) A deposit of THREE THOUSAND, THREE HUNDRED AND THIRTY-----
DOLLARS (\$3,330.00-----)
(10% of purchase price) by certified cheque payable to the Vendor.
 - (b) The balance of the purchase price namely TWENTY-NINE THOUSAND,
NINE HUNDRED AND SEVENTY-----DOLLARS (\$29,970.00-----)
with interest as hereinafter provided, and subject to adjustments, by
certified cheque on the closing of this transaction.
1. This Offer shall be irrevocable by the Purchaser and may be accepted by the
Vendor up to but not after the 24th day of November 1987, by a
letter mailed or delivered to the Purchaser at c/o Mr. Joseph Maziarz, Barrister &
Solicitor, 20 Jackson Street West, Suite 410, Hamilton, Ontario L8P 1L2
 2. In the event that this Offer is not accepted, this Offer and everything
herein contained shall be null and void and no longer binding upon any of
the parties hereto and the deposit shall be returned by the Vendor without
interest and the Vendor shall not be liable for any damages or costs.
 3. In the event of and upon the acceptance of this Offer, this Offer and the
letter of acceptance shall be a binding contract of purchase and sale and
shall be completed in accordance with the terms hereof.
 4. Provided that the title is good and free from all encumbrances, except as
hereinafter set out.
 5. The Purchaser is not to call for the production of any title deeds,
abstract or evidence of title except as such as are in the possession of
the Vendor.
 6. The Purchaser is to be allowed thirty days from the date of acceptance of
this Offer to examine the title at its own expense. If within that time
any valid objection to title is made in writing to the Vendor, or its
solicitor, which the Vendor shall be unable or unwilling to remove and
which the Purchaser will not waive, the contract arising out of the
acceptance of this Offer shall, notwithstanding any intermediate acts or
negotiations in respect of such objections, be null and void and all monies
shall be returned by the Vendor without interest and it shall not be liable
for any damages or costs. Save as to any valid objections so made within
such time the Purchaser shall be conclusively deemed to have accepted the
title of the Vendor to the real property.
 7. The Purchaser, also known as the Transferee, agrees with the Vendor, also
known as the Transferor, to the following covenants, warranties,
conditions, and restrictions, and agrees that the transfer to it of the
said lands, shall be subject to the following covenants, warranties,
conditions and restrictions, which shall not merge on the closing of this
transaction but shall continue on after the day of closing and run with the
land:

- 7.1 The Transferee will enter into a site plan agreement for the said lands with the Area Municipality, if required by the Area Municipality, at its own cost. The Transferee will complete all terms, conditions and covenants of the site plan agreement. The site plans shall set out:
- 7.1.1 The location of all buildings and structures to be erected on the said lands and the location of all facilities and works provided in conjunction therewith.
 - 7.1.2 Planned elevation and cross-section views for each building to be erected displaying:
 - 7.1.2.1 The massing and conceptual design of the proposed building.
 - 7.1.2.2 The relationship of the proposed building to adjacent buildings and exterior areas to which members of the public have access.
 - 7.1.2.3 The provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways and adjacent buildings.
 - 7.1.2.4 The colour, texture and type of materials, window detail, construction details, architectural detail and interior design.
 - 7.1.2.5 The landscaping and parking facilities.
- 7.2 The site plan agreement may include the following requirements:
- 7.2.1 Access facilities on the said lands including ramps, driveways and the servicing of same.
 - 7.2.2. Parking facilities.
 - 7.2.3 Walkways and other means of pedestrian access.
 - 7.2.4 Lighting facilities.
 - 7.2.5 Walks, fences, hedges and landscaping facilities, storage facilities for garbage and waste materials.
 - 7.2.6 Easements to the Transferor or the Area Municipality for drainage or sanitary facilities.
 - 7.2.7 Grading or alterations in elevation or contour of the said lands and provision for disposal of storm, surface and waste water from the said lands from any buildings or structures thereon.
- 7.3 Construction of all buildings, landscaping improvements on the said lands will conform to the site plan agreement and development plan agreed upon and approved by the Area Municipality and the Transferee.
- 7.4 The Transferee shall obtain all government permits and approvals and satisfy all requirements and restrictions of the Transferor, the Area Municipality and all other agencies at its own cost.
- 7.5 The Transferee shall commence construction of a building having a minimum building area of 6,000 square feet upon the said lands by not later than October 12th, 1988. Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Area Municipality's Building Department.

- 7.6 The Transferee shall complete construction of the said building not later than October 12th, 1989 . The building is considered completed upon the issuance by the Area Municipality Building Department of an Occupancy Permit.
- 7.7 No transfer of the said lands shall be made by the Transferee until the Transferor confirms that the covenant in paragraphs 7.5 and 7.6 have been complied with.
- 7.8 The Transferee agrees to complete construction of all parking areas, driveways and landscaping on the said lands, at its own expense and to the satisfaction of the Transferor within one year of completion of construction of the building. If at the end of that time the construction has not been completed or is unsatisfactory to the Transferor, then the Transferor shall have the right to enter upon the said lands and complete the construction and the Transferee agrees to reimburse the Transferor for all the costs of completion.
- 7.9 The Transferee is responsible for the construction of a driveway from the travelled portion of the road allowance to the property line.
- 7.10 The Transferee is responsible for landscaping the untravelled portion of the road allowance (boulevard) to the satisfaction of the Transferor in accordance with the said subdivision agreement.
- 7.11 The Transferee is responsible for all lot levy payments to the Area Municipality.
- 7.12 The Transferee is responsible for water lateral connections to the said lands and any requirements of the Area Municipality for storm water management affecting the said lands.
- 7.13 If the Transferee fails to comply with the conditions in paragraphs 7.5 and 7.6 within the time required, then the Transferor shall have the right to enter upon the said lands upon 30 days' notice to the Transferee, and any such entry by the Transferor, pursuant to the terms hereof, shall determine the estate of the Transferee in the said lands. Notice of the entry may be registered by the Transferor on title to the said lands.
- 7.14 Upon such entry by the Transferor, the Transferee at its own cost shall execute and deliver to the Transferor a transfer of the said lands to the Transferor free and clear of all charges, encumbrances, liens, claims, or adverse interests whatsoever, and the Transferor agrees to pay to the Transferee the original purchase price for the said lands, less the deposit, less the commission paid (if any) by the Transferor to a real estate agent; less arrears of realty taxes, penalty and interest (including local improvement charges), less amounts required to discharge any mortgages, liens, charges or other encumbrances against the said lands and less the costs of the Transferor incurred in entering on the land and retaking and reselling the land and without increase or compensation for any improvements, additions, alterations in, on or under the said lands.
- 7.15 Subject to Paragraph 7.7 herein, if the Transferee offers all of the said lands for sale or wishes to convey all of the said lands within 18 months from the date of closing herein, then the Transferor shall have the right to repurchase all the said lands and any buildings or local improvements located thereon, free and clear of all encumbrances at the original purchase price without interest or improvement, less any amounts required to discharge any mortgages, liens or encumbrances. Such reconveyance is to be made at the cost of the Transferee.
- 7.16 The Transferee agrees not to sever any portion of the said lands within five years of the date of closing.

- 7.17 If the Transferee offers a part of the said lands for sale or wishes to convey a part of the said lands within five years of the date of closing, then the Transferor shall have the option at that time to purchase that part of the lands together with any buildings or improvements located thereon, at a cost which is proportional to the original purchase price of the said lands as the area of the lands to be sold is to the total area of lands originally conveyed, without interest or improvement, less any amounts required to discharge any mortgages, liens, charges or encumbrances. Such reconveyance to the Transferor is to be at the cost of the Transferee.
- 7.18 The Transferee acknowledges and agrees that the Transferee is responsible for all costs, charges, fees, levies and rates affecting the said lands and for providing all services required on the said lands. In particular, without limiting the generality of the foregoing, the Transferee is responsible for the following:
- 7.18.1 Municipal, realty and business taxes.
 - 7.18.2 Municipal local improvement charges for streets, sidewalks and curbs.
 - 7.18.3 Municipal local improvement charges for water supply, storm sewers and sanitary sewers.
 - 7.18.4 Building permit application fee.
 - 7.18.5 Storm, sanitary sewers and waterline laterals under the street and under the said lands.
 - 7.18.6 All utility connections to the said lands.
 - 7.18.7 The construction of a driveway to and over the said lands.
8. This agreement may not be assigned by the Purchaser without the written consent of the Vendor.
9. This transaction shall be closed on or before the 12th day of April 1988, in accordance with terms and conditions as described in Schedule "A" attached which forms part of this agreement.
10. On the closing of this transaction the Vendor will convey the said lands to the Purchaser by good and sufficient deed thereof in fee simple and shall deliver vacant possession of the said lands to the purchaser free and clear of all tenancies.
11. The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in paragraph 10 hereof.
12. Pending completion of this transaction on the date of closing, the Vendor will hold fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear. In the event of damage to the said premises, the Purchaser may undertake the proceeds of the insurance, if any, and complete the purchase or may cancel this Offer, whether accepted or not and have all monies theretofore paid returned.
13. The deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee, the deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee the deed or transfer is to contain Trustee covenants only. The deed is to be registered at the expense of the Purchaser.
14. This agreement and its acceptance is to be read with all changes of gender or number required by the context.
15. In the event of failure of the Purchaser to complete this transaction by the date set out in paragraph 10 hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder.

16. It is understood and agreed by the Purchaser and Vendor that the Vendor does not warrant the suitability of the land for any development use or any proposed use.
17. Any tender of documents or money hereunder may be made upon the solicitor acting for the party on whom tender is desired.
18. The Purchaser agrees that the Vendor may register this agreement or notice of this agreement on title to the said lands.
19. It is agreed that there is no representation, warranty, collateral agreement, or condition affecting this agreement or the said lands other than as expressed herein in writing.
20. The Purchaser agrees that the agreement of purchase and sale and any or all of its terms and conditions, covenants, warranties and restrictions or stipulations shall not merge on the closing of this transaction or upon the registration of a deed on title, but shall survive after the closing.
21. The cost of preparing and registering any releases on the completion or satisfaction of any conditions in this agreement shall be the responsibility of the Purchaser.

Time in all other respects shall be of the essence of this agreement which shall enure to the benefit of and be binding upon the Purchaser, his heirs, executors, administrators, successors and assigns and shall enure to the benefit of and be binding upon the Vendor, its successors and assigns.

DATED at Hamilton this 8th day of October, 1987.

SIGNED, SEALED AND DELIVERED

Carlo DE SORBO

in the presence of

Name of Purchaser's Solicitor Mr. Joseph Maziana, Barrister & Solicitor

Address of Purchaser's Solicitor 20 Jackson Street West, Suite 410
Hamilton, Ontario, L8P 1L2 (529-7171)

MMW (City-Inside)

SCHEDULE "A"

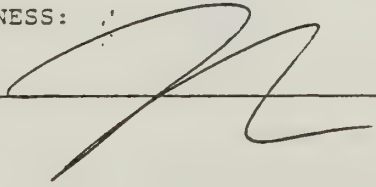
The closing of this transaction is conditional upon the simultaneous completion of the transaction between Carlo DEL SORDO and The Corporation of the City of Hamilton concerning the sale of

"Part of Lot 3, Concession 7, Township of Barton, comprised of the northerly 283 feet of Part 8, Plan 62R-4187 and containing approximately 0.39 acres. The most southerly 17 feet of Part 8, Plan 62R-4187 to be conveyed to the Regional Municipality of Hamilton-Wentworth for road widening."

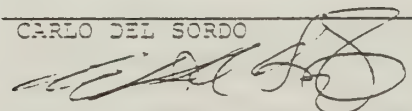
said Offer to Purchase is attached hereto.

DATED at Ham this 8 day of Oct 19 87

WITNESS:

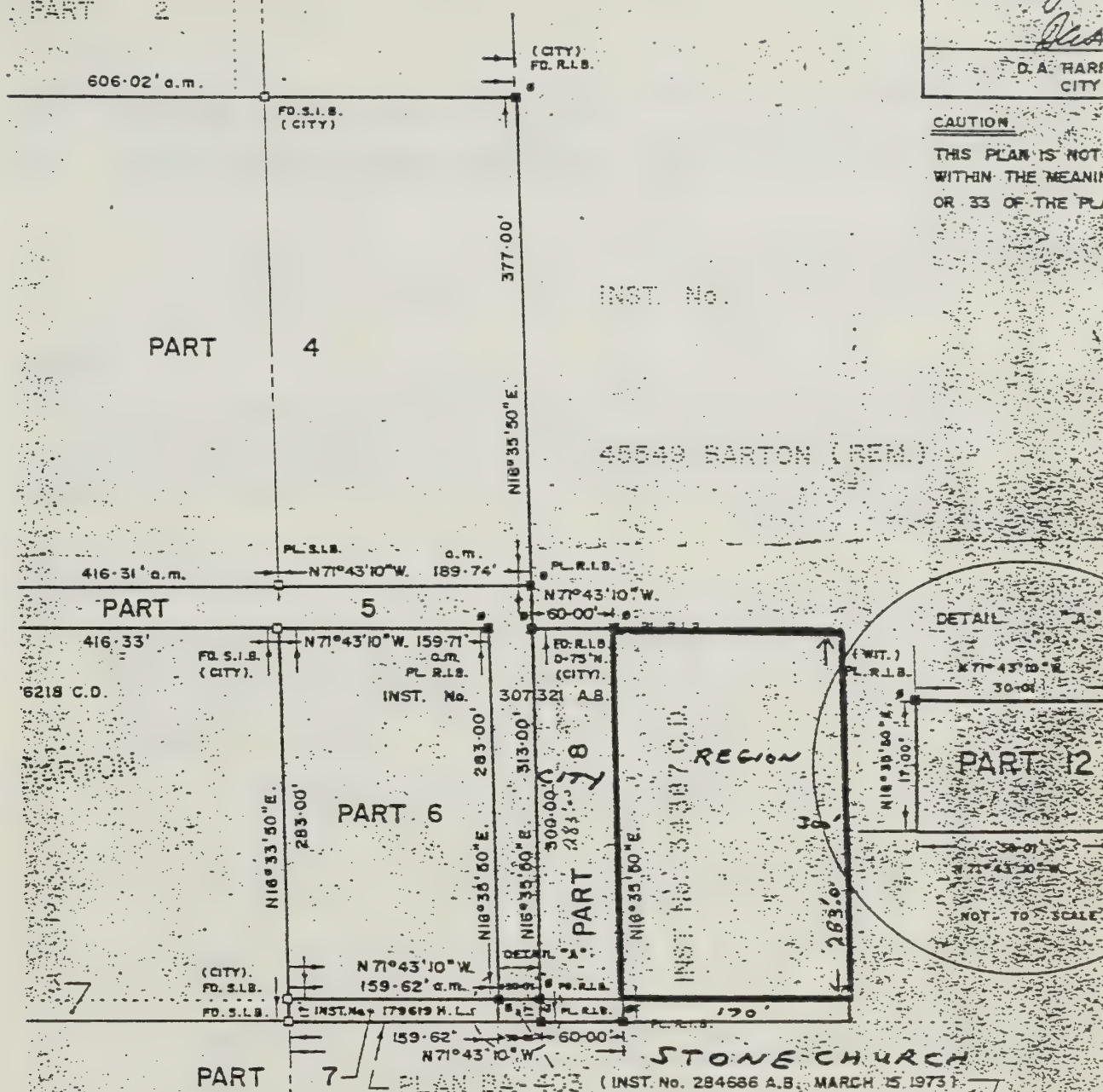


CARLO DEL SORDO



357

PART 2



UNDER PART I
OF THE F
DATE. *May 4*
D.A. HARR
D.A. HARR
CITY

CAUTION
THIS PLAN IS NOT
WITHIN THE MEANING
OR 33 OF THE PL

INST. No.

45848 BARTON (REM.)

DETAIL "A"
N71°43'10"E
30-00'

PART 12

NOT TO SCALE

STONE CHURCH

PLAN BA-403 (INST. No. 284686 A.B. MARCH 5 1973)

PART 12

AREA.

1121 sq. ft.
1-0348 ac.
7-1234 ac.
5-2353 ac.
0-6137 ac.
1-0371 ac.
2712 sq. ft.
0-4130 ac.
0-1148 ac.
0-8208 ac.
1-3835 ac.
510 sq. ft.

LEGEND

- S.I.B. DENOTES STANDARD IRON BAR 1" sq. x 4' long.
— R.I.B. — ROUND IRON BAR 3/4" dia. x 2' long.

PL. = PLANTED. FD. = FOUND. H-W.R. = HAMILTON - WENTWORTH REGION. WIT. = WITNESS

BEARINGS HEREON ARE ASTRONOMIC DERIVED FROM THE ONTARIO CO-ORDINATE SYSTEM, ZONE 10, CENTRAL MERIDIAN 79° 30' WEST LONGITUDE.

CITY OF HAMILTON	
DEPARTMENT OF ENGINEERING - LAND	
UPPER OTTAWA STREET. LANDS TO BE PURCHASED & SOLD AT N.E.	
SURVEY BY D.J.S.	FIELD BOOK B. 20, P-110-114 FILE No. 827-0013
DRAWN BY C.R.F.	REF DWG'S RA-H-128, RC-H-133, SP-1079, SP-1080
APPROVED <i>W. Phillips</i>	CITY SURVEYOR <i>D.A. Harr</i>
CITY ENGINEER	PLAN No. SS-1

8.

Attention Of V. J. Abraham

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Spadar Developments Inc., owner

LOT SIZE AND AREA

- 20.0 m (65.6 ft.) of lot frontage on the west side of the proposed extension of Angelina Place;
- 30.7 m (100.78 ft.) average lot depth; and,
- 614 m² (6,611.2 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	vacant lands and single-family dwellings	"B-2" (Suburban Residential) District
to the south	vacant lands	"AA" (Agricultural) District
to the east	vacant lands and single-family dwellings	"AA" (Agricultural) District and "B-2" (Suburban Residential) District

OFFICIAL PLAN

Designated "Residential", the proposal complies.

NEIGHBOURHOOD PLAN

Designated for "Civic and Institutional" use on the approved Falkirk East Neighbourhood Plan, the proposal does not comply.

BACKGROUND

On March 3, 1987 Regional Council draft approved the revised Rymal Survey Addition Draft Plan of Subdivision which included the subject lot. Registration of this plan of subdivision is contingent upon the approval of the subject rezoning application.

COMMENTS RECEIVED

- o The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee staff have no comments or objections to the proposed rezoning.
- o The Hamilton-Wentworth Engineering Department has advised that:
"Neither public watermains nor sewers are available at this time to service the subject lands.

The subject lands are shown as Lot 3 on the revised Rymal Survey Addition which was draft approved by Regional Council on March 3, 1987.

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal would involve an amendment to the approved Falkirk East Neighbourhood Plan to redesignate the subject lands from "Civic and Institutional" to a "Single and Double" residential land use category. The proposal can be supported as the subject lands are no longer required for their original intent (roadway purposes).
3. The proposal can be supported for the following reasons:
 - o it would be compatible with existing and proposed single-family development in this area comprised of "B-2" zoned residential lots;
 - o it forms part of the Rymal Survey Addition which received draft approval from Regional Council on March 3, 1987;

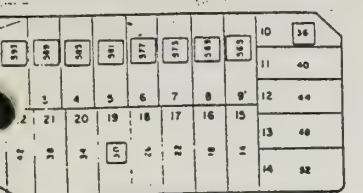
CONCLUSION

On the basis of the foregoing, the application can be supported.

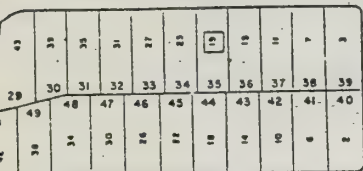
GAW/jd

WP DOC 0420P

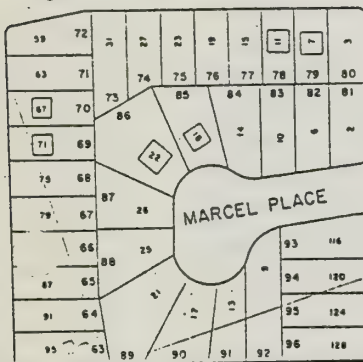
STONE CHURCH ROAD WEST



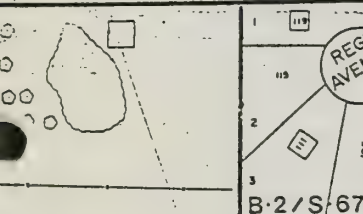
DYDZAK COURT



SUNDOWN DRIVE

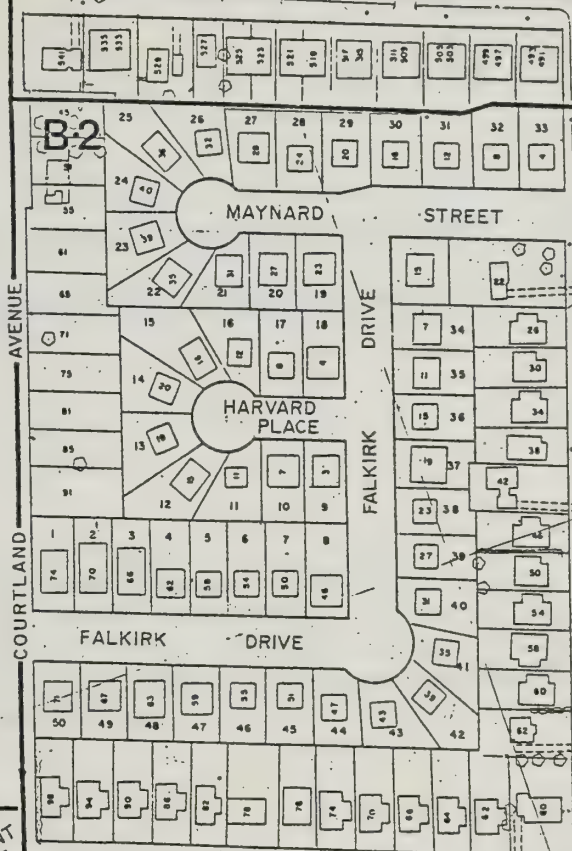


MARCEL PLACE



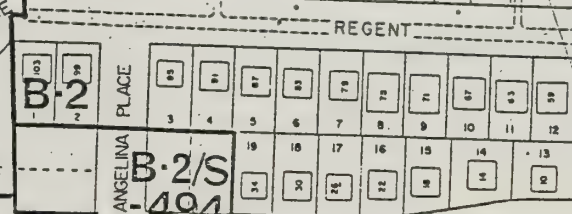
REGENT AVENUE

B-2/S-679



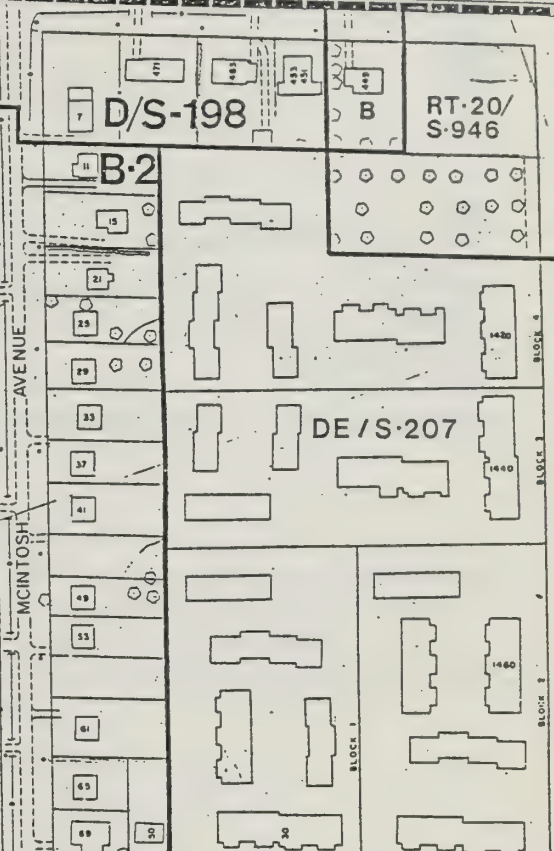
MAYNARD STREET

HARVARD PLACE



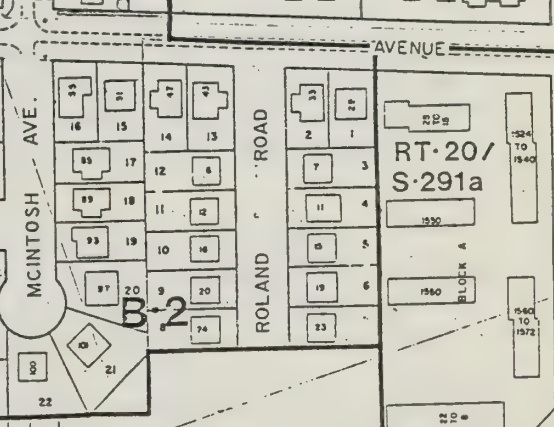
ANGELINA PLACE
B-2/S-494

OTTAVIANO DRIVE



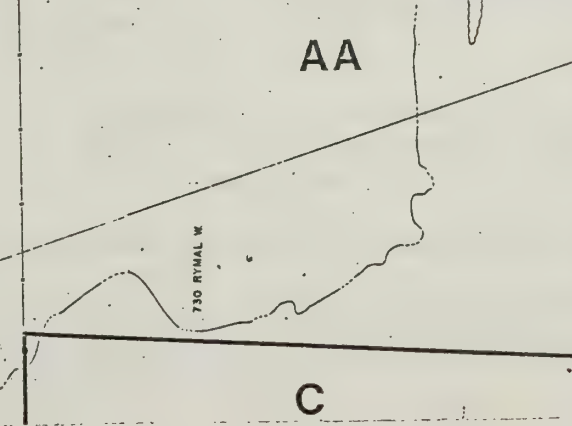
D/S-198

RT-20/
S-946



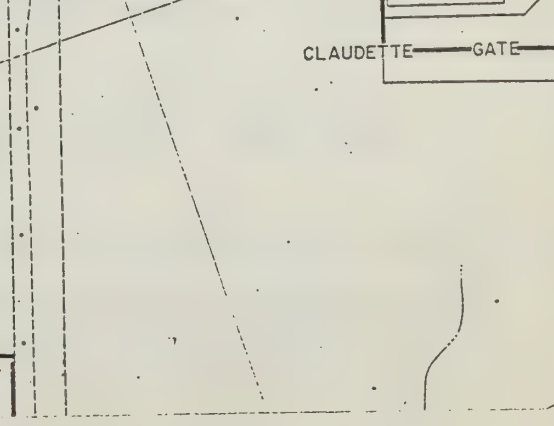
ROLAND ROAD

RT-20/
S-291a



AA

C



CLAUDETTE GATE

LEGEND



SITE OF THE APPLICATION



ZA-87-89

APPENDIX A

9.

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, provisions for property located at 56 Lilacside Drive. The purpose of the proposed modification is to permit a hairdressing salon to be operated by the applicant as a home occupation.

RECOMMENDATION

That approval be given to ZA-87-93, Dolores Breton, owner, requesting a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District provisions, to permit a hairdressing salon to be operated by the applicant as a home occupation, for the property located at No. 56 Lilacside Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:

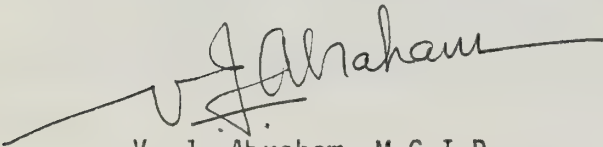
- i) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
- a) Notwithstanding paragraphs (f) and (h) of Section 2.(2).H. (iii), hairdressing shall be permitted as a home occupation on the following basis:
 - (1) Notwithstanding paragraphs (f) and (h) of Section 2.(2).H. (iii), hairdressing shall be permitted as a home occupation on the following basis:
 - (2) there is no more than one comb-out centre and one styling sink.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject land as Zoning District Map E-27 be notated as S- ;

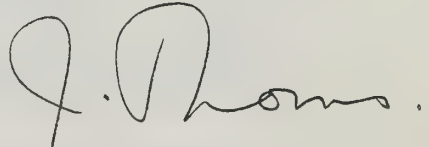
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27; and,
- iv) That the proposed change in zoning is in conformity with the City of Hamilton Official Plan.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the existing "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District provisions for the property located at No. 56 Lilacside Drive, as shown on the attached map.

The effect of the By-law is to permit a hairdressing salon for one hairdresser only to be operated from the residence as a home occupation.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Delores Breton, owner

LOT SIZE AND AREA

- o 12.2 m (40 ft.) of lot frontage;
- o 32.6 m (107 ft.) of lot depth; and,
- o approximately 397.6 m² (4,280 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Two Family Dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
<u>Surrounding Lands</u>		
to the north, south, east and west	one and two family dwellings, townhouses	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule A - Land Use Concept.

Policy A.2.1.4 permits "home occupations" in residentially designated areas provided:

- i) A Home Occupation will be carried on within a dwelling unit only by an owner occupying the dwelling, and employing only immediate family members that also occupy the dwelling;
- ii) A Home Occupation will occupy only a limited floor area of the dwelling; and,
- iii) The Home Occupation will not detract from the RESIDENTIAL character of the area.

The proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN

The subject lands are designated for single and double housing in the approved Thorner Neighbourhood Plan. The proposal complies with the intent of the Neighbourhood Plan.

BACKGROUND

o Proposed Operation

The proposed hairdressing salon will be located in the basement of the existing two-family dwelling and will occupy one room.

The salon will be operated by the applicant, who will be residing in the duplex.

Two stacked parking spaces are available on the premises.

o Similar Proposal (110 Limeridge Road West)

On March 25, 1986, City Council approved a similar application to permit a hairdresser with one sink and comb out centre to be located in the basement of a semi-detached dwelling.

To date, the Building Department have no complaints on file regarding this operation.

COMMENTS RECEIVED

- o The Hamilton-Wentworth Engineering Department, Traffic Department and Hamilton Region Conservation Authority have no comments or objections.
- o The Building Department has advised that:
"The proposed use is contrary to Section 2(2)H(iii)(h)."

COMMENTS

1. The proposal would not conflict with the intent of the Official Plan or approved Thorner Neighbourhood Plan.
2. The Planning and Development Committee and City Council have approved several zoning applications to establish hairdressing as a home occupation.

Each operation was limited to one hairdresser living on the premises, one comb-out centre and one sink.

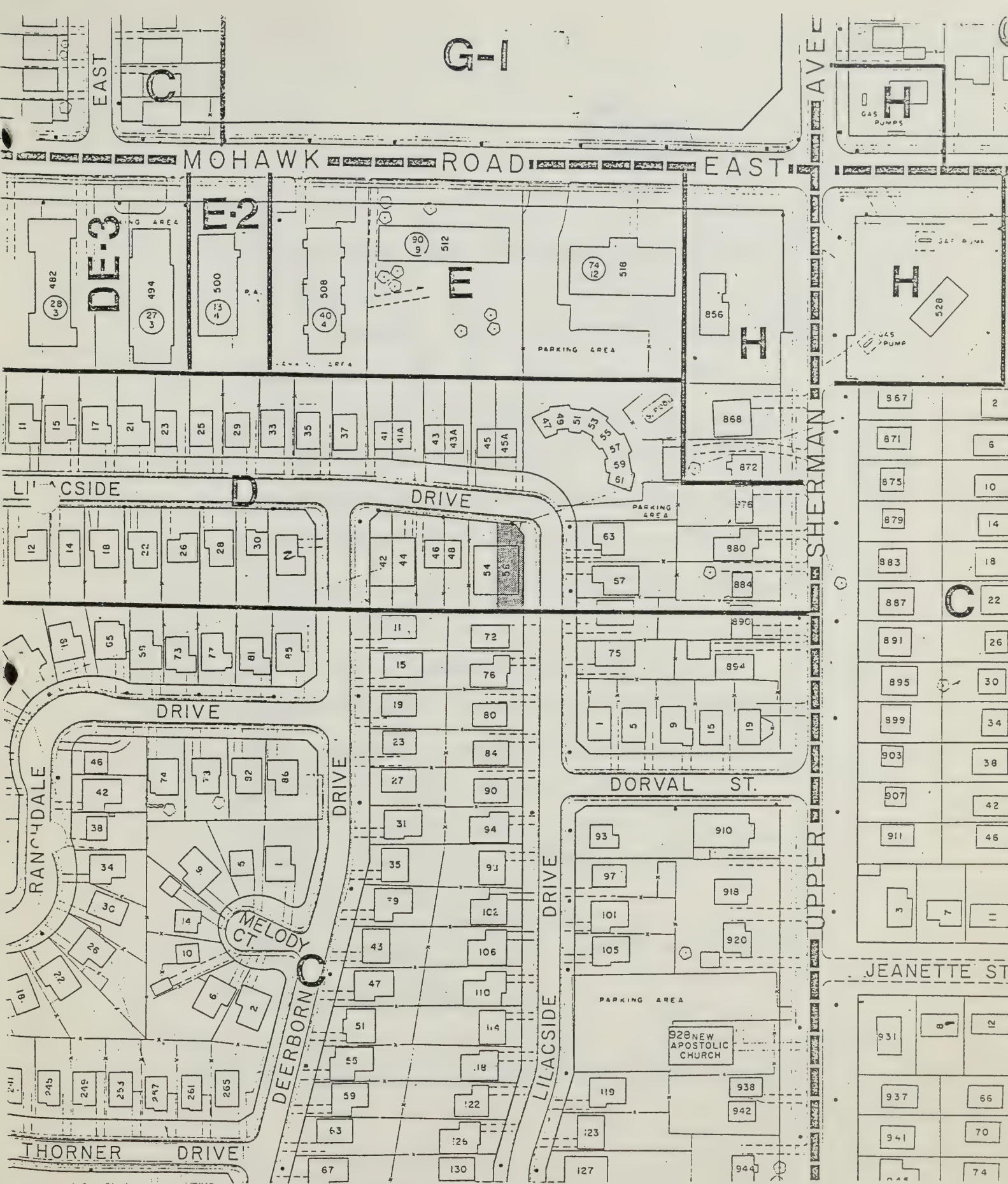
The size limitation placed on hairdressing as a home occupation has effectively reduced the problems associated with this use. The Building, Health and Traffic Departments have received no complaints respecting these facilities.

3. The proposal merits consideration for the following reasons:
 - a) the business is only part-time in nature and is primarily related to the walk-in trade from area residents;
 - b) the proposal should not adversely affect the demand for on-street parking in this area;
 - c) the business would not alter the residential character of the existing dwelling.

CONCLUSION

Based on the foregoing, the proposal can be supported.

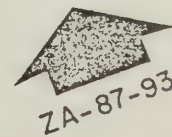
JH/jd
Encl.



LEGEND



SITE OF THE APPLICATION



APPENDIX A

90
OCT 2 1993

Planning and Development Dept.
City Hall :

I wish to comment on the
request of D. Breton re -
file - ZA 77-93 SEQ-00052

There is no extra room for
parking in her area. Her house
is at a sharp curve with a
no parking zone along the
east side

There is room for only one
additional car in her driveway.
She could have 3 clients parked
here at the same time -

- one under the drier.
- one being combed out.
- one waiting.

This modification will devalue
my property.

yours truly.

75 Locust Drive Michael Gushulsk

10.

DATE October 19, 1987

Refer to File No. ZA-87-101
 CORKTOWN
 NEIGHBOURHOOD

Attention Of V. J. Abraham

Request for a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District for the property located at Nos. 182-184 Jackson Street East. The purpose of the proposed change in zoning is to permit the conversion of a two-family dwelling into business and professional offices as permitted under the "E-1" Zone.

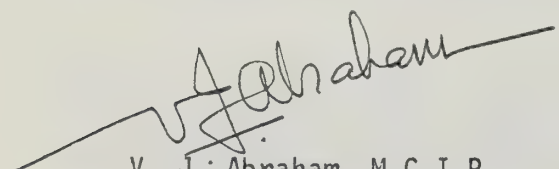
That approval be given to Zoning Application ZA-87-101, John Moir, owner requesting a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit the conversion of a two-family dwelling into business and professional offices, for the property located at Nos. 182-184 Jackson Street East as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the lands be rezoned from "L-mr-2" (Planned Development - Multiple Residential) District to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District;
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-5 be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- v) That the Corktown Neighbourhood Plan be amended by redesignating the subject lands from "Medium Density Apartments" to "Commercial and Apartments Conservation)".

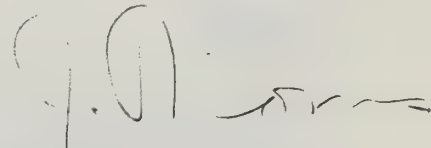
EXPLANATORY NOTE

The purpose of the by-law is to provide for a change in zoning from "L-mr-2" (Planned Development - Multiple Residential) District to "E-1" (multiple Dwellings, Lodges, Clubs, etc.) District for the property located at Nos. 182-184 Jackson Street East, as shown on the attached map marked as APPENDIX "A"

The effect of the by-law is to permit the conversion of a two-family dwelling into business and professional offices.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

John Moir, owner

LOT SIZE AND AREA

- o 11.64 m (38.2 ft.) of lot frontage;
- o 19.93 m (65.38 ft.) of lot depth;
- o 232.02 m² (2,497.52 sq.ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant two-family dwelling	"L-mr-2" (Planned Development - Multiple Residential) District
<u>Surrounding Lands</u>		
to the north	commercial	"H" (Community Shopping and Commercial, etc.) District
to the south	single-family dwellings, proposed 9 storey condominium	"L-mr-2" (Planned Development - Multiple Residential) District
to the east	auto body repair shop	"J" (Light and Limited Heavy Industrial, etc.) District

to the west

single-family
dwellings

"H" (Community Shopping and
Commercial, etc.) District

"L-mr-2" (Planned Development -
Multiple Residential) District

OFFICIAL PLAN

The subject lands are designated "Central Policy Area" on Schedule "A". The CPA allows for a wide range of uses including commercial, residential, industrial, etc. The proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Medium Density Apartments" in the approved Corktown Neighbourhood Plan. A redesignation from "Medium Density Apartments" to "Commercial and Apartments (Conservation)" is required, to permit the proposed.

CENTRAL AREA PLAN

The subject lands are designated "Mixed Use" in the Central Area Plan. The proposal complies.

COMMENTS RECEIVED

- o The Hamilton Region Conservation Authority, Building Department, Ministry of Transportation and Communications, Traffic Department and GO Transit have no comments or objections.
- o The Hamilton-Wentworth Engineering Department has advised in part that

"The designated road allowance width of Jackson Street is 15.24 m (50 feet) minimum. The applicant should be advised of a future road widening of approximately 1.5 m (5 feet).

The designated road allowance width of Ferguson Street (from Hunter to Barton Street) is 24.38 m (80 feet). In conjunction with this designation, a 2.13 m (7.0 feet) road allowance widening will be required at a future date." (see attached letter for full comments)

COMMENTS

- 1) The proposal complies with Official Plan and Central Area Plan.
- 2) A redesignation from "Medium Density Apartments" to "Commercial" and Apartments (Conservation)" in the approved Corktown Neighbourhood Plan is required to permit the proposal.

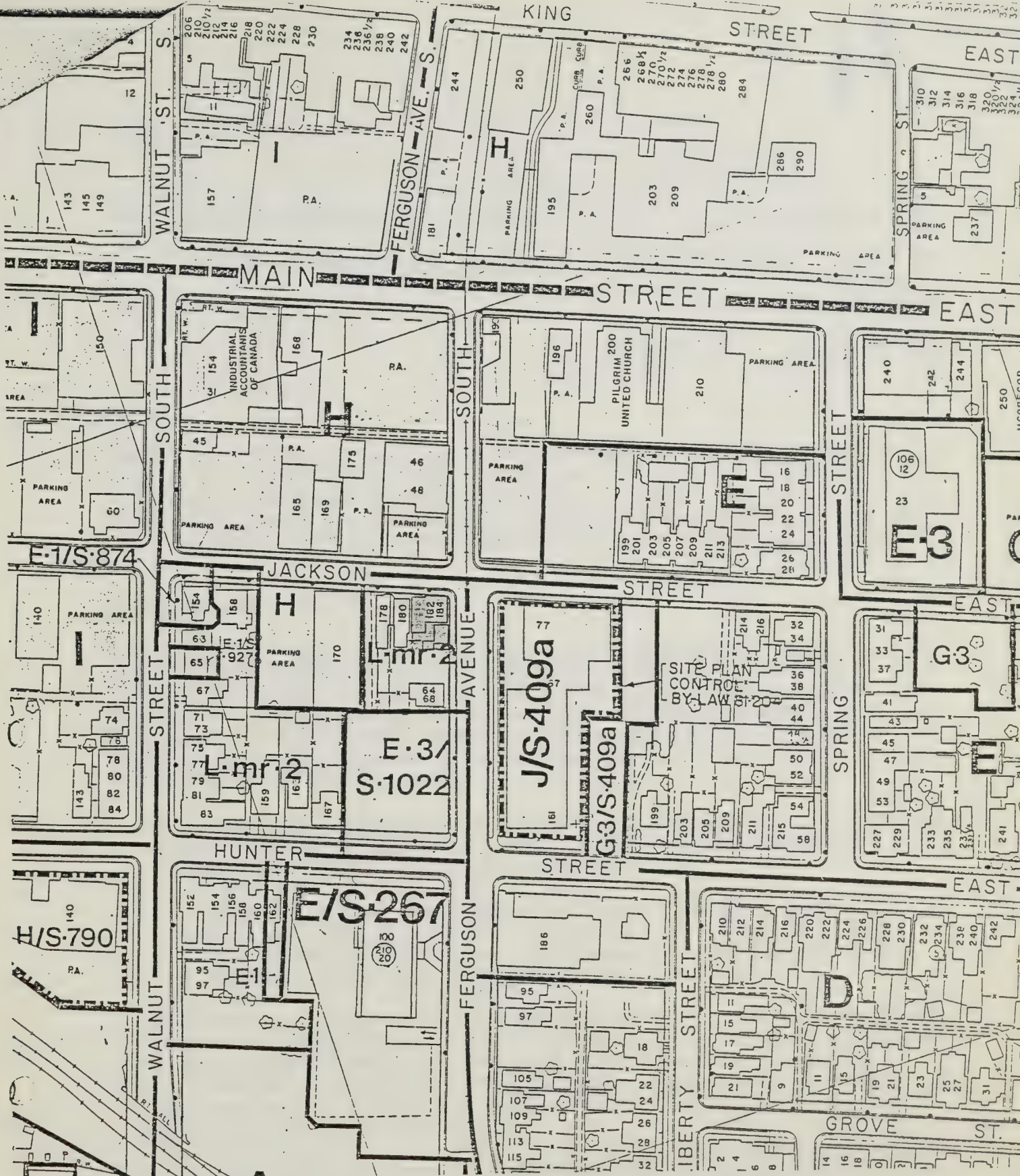
- 3) The proposal merits consideration for the following reasons:
 - a) it is compatible with the surrounding land uses including commercial to the north and west;
 - b) it complies with the Official Plan and the Central Area Plan; and,
 - c) it is ideally situated near the downtown area.
- 4) The structure is listed by LACAC as a building of historic and architectural value. However, it is noted that the building is in poor condition.
- 5) The "E-1" District provisions permit the conversion of an existing dwelling to office uses. Conversion is used as an interim measure before the site and/or adjacent sites are redeveloped for higher density uses.

CONCLUSION

Based on the foregoing, the proposal can be supported.

JH/jd

WP DOC 0420P



LEGEND



SITE OF APPLICATION



APPENDIX A

11.

FOR ACTION

FROM Planning and Development Department DATE October 20, 1987
TO Planning and Development Committee Refer to File No. ZA-87-102
 BRULEVILLE
 NEIGHBOURHOOD
 Attention Of V. J. Abraham

SUBJECT

Request for a change in zoning from "DE" (Low Density Multiple Dwellings) District to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified, and to change the Official Plan for property at No. 418 Limeridge Road East to permit the conversion of the existing dwelling for professional offices and the development of the remaining lands for multiple dwellings .

RECOMMENDATION

That Zoning Application ZA-87-102, from G. F. Vulker, owner, requesting a change in zoning from "DE" (Low Density Multiple Dwellings) District to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified, to permit the use of the existing dwelling for professional offices and development of the remaining lands for multiple dwellings, for property located at No. 418 Limeridge Road East, as shown on the attached map marked as APPENDIX "A" be denied for the following reasons:

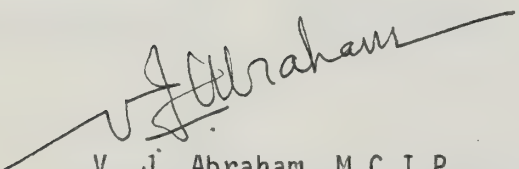
1. The commercial component of the proposal conflicts with the intent of the City of Hamilton Official Plan. The subject lands are designated "Residential". Section A.2.2.26 of the Plan states

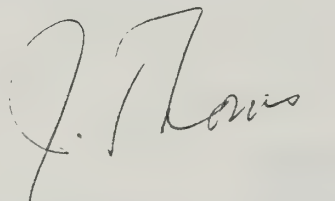
"that the maximum site areas of any LOCAL COMMERCIAL development will not exceed 0.4 hectares in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services."

Based on this policy only Local Commercial uses are permitted within the residential designation. The proposed real estate office would serve the City at large and not simply the daily retail needs of surrounding residents as intended by the Official Plan. Consequently, an Official Plan Amendment to establish a "Special Policy Area" would be required to permit the proposed commercial use.

2. The residential and commercial component of the proposal conflicts with the approved Bruleville Neighbourhood Plan which designates the subject property as "Low Density Apartments". The proposed "E-1" District permits a higher density of residential type development than that intended by the Neighbourhood Plan. In this regard, the proposal would set an undesirable precedent for future similar applications to establish commercial/apartment type development in the area.

4. The proposed commercial use would be inappropriately located at the end of a future cul-de-sac and would have limited access to Limeridge Road West once the East-West Freeway Interchange is constructed, which will eliminate access to the Upper Wentworth Street, Limeridge Road East intersection.
5. The proposal is perceived to be an inappropriate development for a predominantly residential neighbourhood.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thomas, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Mr. G. F. Vulker, owner

LOT SIZE AND AREA

- o 39.17 m (128.5 ft.) of lot frontage
- o 0.19 ha (0.47 ac.) of lot area
- o lot is irregular in shape

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single family dwellings	"DE" (Low Density Multiple Dwellings) District
<u>Surrounding Lands</u>		
to the north	cemetery	"AA" (Agricultural) District
to the south and east	vacant	"AA" (Agricultural) District
to the west	vacant	"DE-3" (Low Density Multiple Dwellings) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". The commercial component of the proposal does not comply. Approval of the proposal would require an Official Plan Amendment to establish a "Special Policy Area" to permit the proposed development.

NEIGHBOURHOOD PLAN

Designated "Low Density Apartments" in the approved Bruleville Neighbourhood Plan. An amendment to redesignate the subject lands to "Commercial and Apartments" would be required if the application is approved.

COMMENTS RECEIVED

- o The Traffic Department has advised that

"The approved Neighbourhood Plan designates the subject lands as attached housing including a future cul-de-sac providing access to the lands south of Limeridge Road abutting the future Mountain Freeway. In addition, the plan indicates that at the time of construction of the future Upper Wentworth Street interchange with the Freeway, Limeridge Road will be closed immediately west of Upper Wentworth Street. Therefore, the proposed commercial use would be located at the end of the future cul-de-sac having access to Limeridge Road to the west only.

If the proposed commercial use is limited to that described in the application which is to maintain the existing single family structure, it could be compatible with the other proposed uses in the immediate area."

- o The Local Architectural Conservation Advisory Committee Staff and the Hamilton Region Conservation Authority have no comments or objections.

- o The Building Department has advised that the

"conversion of the existing dwelling to an office building is subject to Section 11A(1)(iii) and (iv) and Section 18A for Parking and Loading requirements of By-law 6593. To erect a multiple dwelling on the same lot as the converted office building is contrary to Section 4(3) of By-law 6593. This development is subject to Site Plan Control and Section 11A of By-law 6593 and the policy of Residential Development Standards to control the effect of freeway noise."

BACKGROUND

Previous Application

ZA-86-99

On November 20, 1986, an application was received from G. F. Vulker, prospective owner, for a change in zoning from "AA" (Agricultural) District to "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District and "DE-2" (Multiple Dwellings) District, for a 1.0 ha (2.5 ac.) site municipally known as No. 418 Limeridge Road East. The site of the current Zoning Application ZA-87-102 comprises the eastern 0.19 ha (0.47 acres) portion of the previous application ZA-86-99 (i.e. the site of the existing dwelling unit).

The purpose of the rezoning from the proposed "AA" District to the "E-1" District was to permit the conversion of the existing single-family dwelling to a real estate office. The remaining 0.89 (2.2 acres) of land were proposed to be rezoned from "AA" District to "DE-2" District to permit future single-family dwellings and/or attached housing.

Planning staff advised the applicant that the application could not be supported as submitted due to the type of use proposed, and because of the site of the realty office at the end of a future cul-de-sac. Subsequently, Mr. Vulker revised his application for a change in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District. The purpose of the proposed change in zoning was to permit future development of the entire site for low rise multiple dwellings and townhouses. More specifically, to permit development of the subject lands for approximately 24 townhouse units and a 3-storey multiple dwelling containing a maximum of 24 units.

At its meeting held on March 31, 1987, City Council approved Zoning Application ZA-86-99 as revised, to establish a change in zoning from "AA" (Agricultural) District to "DE" (Low Density Multiple Dwellings) District, for the subject property to permit the development of approximately 24 townhouses and a 3-storey multiple dwelling containing a maximum of 24 units.

COMMENTS

1. The proposal does not comply with the intent of the Official Plan and would require an amendment to establish a "Special Policy Area" to permit the proposed commercial development.

The intent of the Official Plan is to permit Local Commercial uses that serve the daily retail needs of surrounding residents and rely primarily upon pedestrian access (refer to Section A.2.2.26). The proposed real estate office would serve the City at large which is contrary to the intent of the Official Plan. Consequently the proposed Realty Office is not a permitted use within the RESIDENTIAL designation.

2. The proposal conflicts with the intent of the Bruleville Neighbourhood Plan which designates the subject property as "Low Density Apartments". The proposed "E-1" District represents an over-intensification of use in an area proposed primarily for low density residential use.
3. The proposal represents an undesirable intrusion of a commercial use into an area of low density development, and as such, would set an undesirable precedent for future similar applications to establish commercial/apartment type development in this area.
4. The proposed commercial use would be inappropriately located at the end of a future cul-de-sac (Limeridge Road) and would have limited access once the East-West Freeway Interchange is constructed which will eliminate access to Upper Wentworth Street, Limeridge Road intersection.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

OCT 25 1987

120

October 20, 1987

The Secretary, Planning and Development Committee
City Hall
71 Main Street West,
Hamilton, Ontario
L8N 3T4

2H83-22

Re: Rezoning of Block 1 (Rymal & West 5th)

Dear sir / madam;

This letter is to inform you of my definite opposition to the proposed rezoning of block 1 as outlined in the October 9th letter which was delivered to my home.

My preference of rezoning would be the first plan which zoned the south half of Block 1 commercial and the north half residential. This original plan also showed West 5th to be closed to any traffic from the commercial area and left as a local 2 lane road. That plan is preferred by the large majority of residents between Stonechurch Road and Rymal Road.

Furthermore it was indicated many times during one public meeting that this commercial area would not have direct access to West 5th street. However it is shown on the architects plan that this commercial land will have an access on West 5th Street . This is a DIRECT CONTRADICTION, and one of many.

I know that I have clearly expressed my feelings in this matter and regret the fact that I will not be able to attend the October 28th meeting as I will be out of town that week. I trust this letter will be kept on record in lieu of my absence.

Aggravated resident

Jim Enos

Jim Enos (1187 West 5th)

OCT 20 1987

12b

October 20, 1987

The Secretary, Planning and Development Committee
City Hall
71 Main Street West,
Hamilton, Ontario
L8N 3T4

2183-22

**Re: Future use of West 5th Street
between Rymal Road and Stonechurch Road**

Dear Sir/Madam;

In past meetings it has been expressed by your Mr. Victor Abraham that the majority of residents in the affected area would prefer to see West 5th Street remain open in the future and not closed as a local road. However it was also expressed by more than one member of your planning staff that the planning department would like to close it to through traffic thus create a local road.

Bearing these two thoughts in mind, myself (Jim Enos - 1187 West 5th) and a fellow affected resident (Bob deHaan - 1050 West 5th) conducted a poll (enclosed) asking the residents opinion. As you will see the overwhelming majority prefer to see West 5th Street closed to any traffic from the Rosart lands.
(18 closed vs 3 open)

We would ask that you bear this poll in mind along with your planning staff's recommendations and carry out the plan to close West 5th street to thru traffic and make it a local road.

Concerned residents

Jim Enos

Bob de Haan

Jim Enos
Bob deHaan

CLOSE

OPINION POLL FOR FUTURE USE OF WEST 5TH STREET
BETWEEN STONE CHURCH ROAD & RYMAL ROAD

The purpose of this poll is to determine the opinion of affected residents as to whether they would prefer to have West 5th Street closed or open in the future.

The options to be considered are:

- 1) Closing West 5th Street north of Rymal Road and not allowing for any traffic to or from the Rosart lands onto West 5th.
- 2) Leaving West 5th Street open thus allowing for the possible future widening and substantially increased traffic flow.

NAME AND ADDRESS

~~OPEN~~

CLOSE

Rde Hean	1050 W 5 th	C
Jim Enos	1187 W 5TH	✓
Sec of Sgtr	1042 W 5 th	✓
St. Ferguson	1029 W 5 th	✓
St. Ferguson	1029 West 5 th St	✓
Jean Ramsey	1041 West 5th St	✓
Ken Ramsey	1041 West 5th	✓
Jeremy Lane	1073 West 5th	✓

CLOSE

OPINION POLL FOR FUTURE USE OF WEST 5TH STREET

BETWEEN STONE CHURCH ROAD & RYMAL ROAD

The purpose of this poll is to determine the opinion of affected residents as to whether they would prefer to have West 5th Street closed or open in the future.

The options to be considered are:

- 1) Closing West 5th Street north of Rymal Road and not allowing for any traffic to or from the Rosart lands onto West 5th.
- 2) Leaving West 5th Street open thus allowing for the possible future widening and substantially increased traffic flow.

NAME AND ADDRESS

CLOSE

C. & D. Berg 1136 West 5th Closed provided
there is local bus service.

George Forshner 1172 West 5th (Closed)

Dorothy J. Vallee 1162 West 5th St. ✓

Debbie Naphole 1172 West 5th St. (closed)

Loretta Jones 1208 West 5th St (Closed)

Ivan & Irene Bisk 1156 West 5th St.

Josef Dollak 1248 West 5th St.

Kathleen McKenry 1254 West 5th St.

CLOSE

OPINION POLL FOR FUTURE USE OF WEST 5TH STREET
BETWEEN STONE CHURCH ROAD & RYMAL ROAD

The purpose of this poll is to determine the opinion of affected residents as to whether they would prefer to have West 5th Street closed or open in the future.

The options to be considered are:

- 1) Closing West 5th Street north of Rymal Road and not allowing for any traffic to or from the Rosart lands onto West 5th.
- 2) Leaving West 5th Street open thus allowing for the possible future widening and substantially increased traffic flow.

NAME AND ADDRESS

~~OPEN~~

CLOSE

John Hyslop 1177 West 5th St (Closed)

John Hyslop 1177 West 5th St (Closed)

John Hyslop 1177 West 5th St (Closed)

John Hyslop 1177 West 5th St (Closed)

John Hyslop 1177 West 5th St (Closed)

John Hyslop 1177 West 5th St (Closed)

John Hyslop 1177 West 5th St (Closed)

John Hyslop 1177 West 5th St (Closed)

John Hyslop 1177 West 5th St (Closed)

John Hyslop 1177 West 5th St (Closed)

John Hyslop 1177 West 5th St (Closed)

OPEN

OPINION POLL FOR FUTURE USE OF WEST 5TH STREET
BETWEEN STONE CHURCH ROAD & RYMAL ROAD

The purpose of this poll is to determine the opinion of affected residents as to whether they would prefer to have West 5th Street closed or open in the future.

The options to be considered are:

- 1) Closing West 5th Street north of Rymal Road and not allowing for any traffic to or from the Rosart lands onto West 5th.
- 2) Leaving West 5th Street open thus allowing for the possible future widening and substantially increased traffic flow.

NAME AND ADDRESS

OPEN

~~CLOSE~~

1150 W 5th

Travis Johnson

1212 West 5th

M. J. Pappas

1232 West 5th

E. A. Follows

13.

FOR ACTION

FROM: Planning and Development Department

DATE: October 21, 198

TO: Planning and Development Committee

REFER TO FILE NO: ZA-87-8

Attention of: V. J. Abraham

SUBJECT

Application to the City of Hamilton for approval of a rezoning, File No. ZA-87-80, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc) District and "E-2" (Multiple Dwellings) District.

RECOMMENDATIONS

1. That Zoning Application 87-80, 428680 Ontario Ltd. (Herbert Schreiber), owner, requesting changes in zoning for the property located on the north side of Rymal Road East between Upper Wellington Street and Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", be denied as submitted for the following reasons:
 - a) the proposed townhouse block (Block "2") in the interior of the neighbourhood is not compatible with the existing and proposed single-family dwellings. In addition, Block "2" is designated for "single and double" housing in the approved Barnstown Neighbourhood Plan.
 - b) The proposed "E-2" (Multiple Dwellings) District (Block "3") is an inappropriate zoning district since the developer intends to construct townhouses. A more appropriate zoning district is "RT-10" (Townhouse) District.
2. That approval be given to an amended Zoning Application 87-80, 428680 Ontario Ltd. (Herbert Schreiber), owner, requesting changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District and "RT-10" (Townhouse) District, to permit the development of the subject lands for single-family dwellings and townhouses, for the property located on the north side of Rymal Road East, between Upper Wellington Street and Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the lands shown as Blocks "1" and "2" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

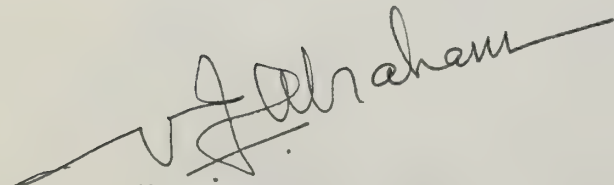
- ii) That the lands shown as Block "3" be rezoned from "AA" (Agricultural) District to "RT-10" (Townhouse) District.
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18D;
 - iv) That the approved Barnstown Neighbourhood Plan be amended by redesignating Block "3" from "Residential--Single and Double" to "Residential--Attached Housing".
 - v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
3. That the Planning and Development Department be requested to initiate a separate zoning amendment to rezone a remnant parcel of land from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to create uniform zoning across the rear of the lands fronting on Upper Wellington Street between Rymal Road East and Stone Church Road East, as shown on the attached map marked as APPENDIX "B".

EXPLANATORY NOTE

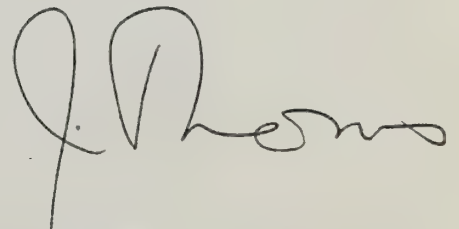
The purpose of the By-law is to provide for changes in zoning for the property located on the north side of Rymal Road East between Upper Wellington Street and Upper Wentworth Street, on the following basis:

- | | |
|----------------------|--|
| Blocks "1" and "2" - | Change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and, |
| Block "3" - | Change in zoning from "AA" (Agricultural) District to "RT-10" (Townhouse) District. |

The effect of the By-law is to permit the development of the subject lands for single-family dwellings (Blocks "1" and "2") and townhouses (Block "3").



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

BACKGROUND

Owner

428680 Ontario Limited (c/o Herbert Schreiber), Hamilton, Ontario.

Agent

Urbex Management Limited (c/o Angelo Cameracci), Hamilton, Ontario.

Location

The lands, comprising 29.0 ha, are located on the north side of Rymal Road East between Upper Wellington Street and Upper Wentworth Street in the Barnstown Neighbourhood, being parts of Lots 11 and 12, Concession 8, Township of Barton, now in the City of Hamilton.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
To the north	Vacant and developing lands under proposed and registered plans of subdivision	"C" (Urban Protected Residential, etc.) District, "AA" (Agricultural) District and "G-1" (Designed Shopping Centre) District
To the south	Several single-family dwellings scattered along the north side of Rymal Road	"AA" (Agricultural) District and "B" (Suburban Agriculture and Residential, etc.) District
To the east	Across Upper Wentworth Street vacant lands in the Butler Neighbourhood and according to the neighbourhood zoning map, a cattle feed operation at the north-east corner of Rymal Road East and Upper Wentworth Street	"AA" (Agricultural) District
To the west	Single-family dwellings fronting onto Upper Wellington Street	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

PROPOSAL

The owner proposes to rezone the lands to facilitate development of a plan of subdivision "Oakdale Estates" for single-family and townhouse dwellings and a municipal park.

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential" and "Open Space". The proposal complies.

Neighbourhood Plan - the lands are designated "Residential--Single and Double", "Civic and Institutional" and "Park and Recreation". The proposal does not comply in terms of:

- i) deletion of area designated "Civic and Institutional;
- ii) addition of "Residential--Attached Housing" blocks; and
- iii) general re-alignment of the street pattern and deletion of the second access into the neighbourhood from Rymal Road.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

COMMENTS FROM CIRCULATION

The following have advised that they have no comments or objections:

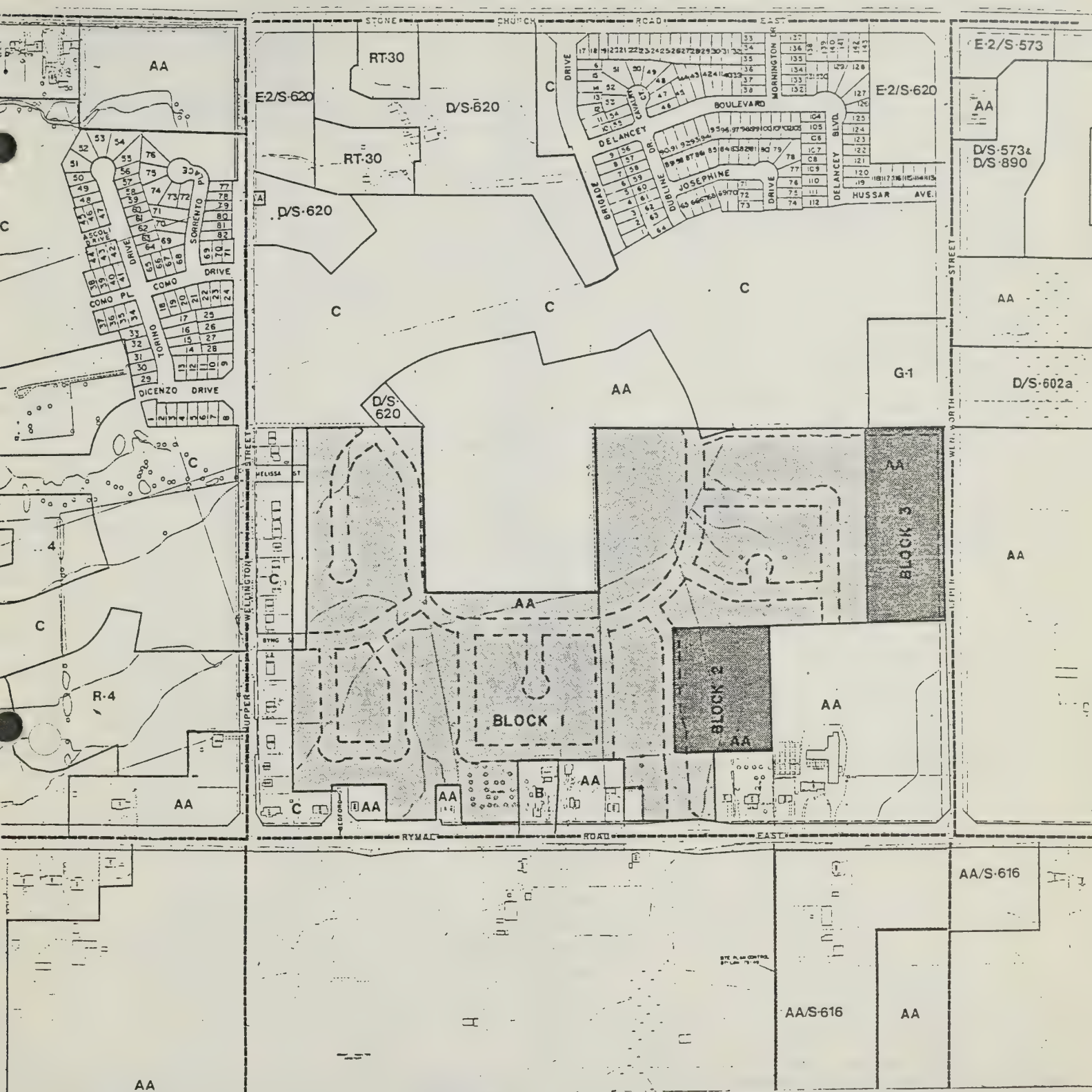
Hamilton-Wentworth Department of Engineering;
Building Department;
Hamilton Region Conservation Authority;
Traffic Department (see attached letter).

COMMENTS

1. The proposed zoning for a townhouse block (Block "2" on Appendix "A") located adjacent to the proposed north/south neighbourhood access street cannot be supported, in that it is in the interior of the neighbourhood and would not be compatible with the existing and proposed single-family dwellings.

2. The zoning for Block "3" shown on APPENDIX "A" should be "RT-10" (Townhouse) District rather than "E-2" (Multiple Dwelling) District as the applicant has indicated an intent to develop townhouses on this area of the subject lands.
3. An amendment to the neighbourhood plan will be required for Block "3" as the plan presently designates this area for "Residential--Single and Double".
4. It should be noted, in connection with APPENDIX "B" attached, that the rear of some of the lots fronting onto Upper Wellington Street are zoned "AA" (Agricultural) District. Therefore, it is recommended that the City initiate a separate zoning amendment to rezone this remnant parcel of land to "C" (Urban Protected Residential, etc.) District. This will allow for uniform zoning across the lands.

JH:CS
Attach.



LEGEND

LANDS FOR WHICH THE FOLLOWING CHANGE IN ZONING IS PROPOSED:

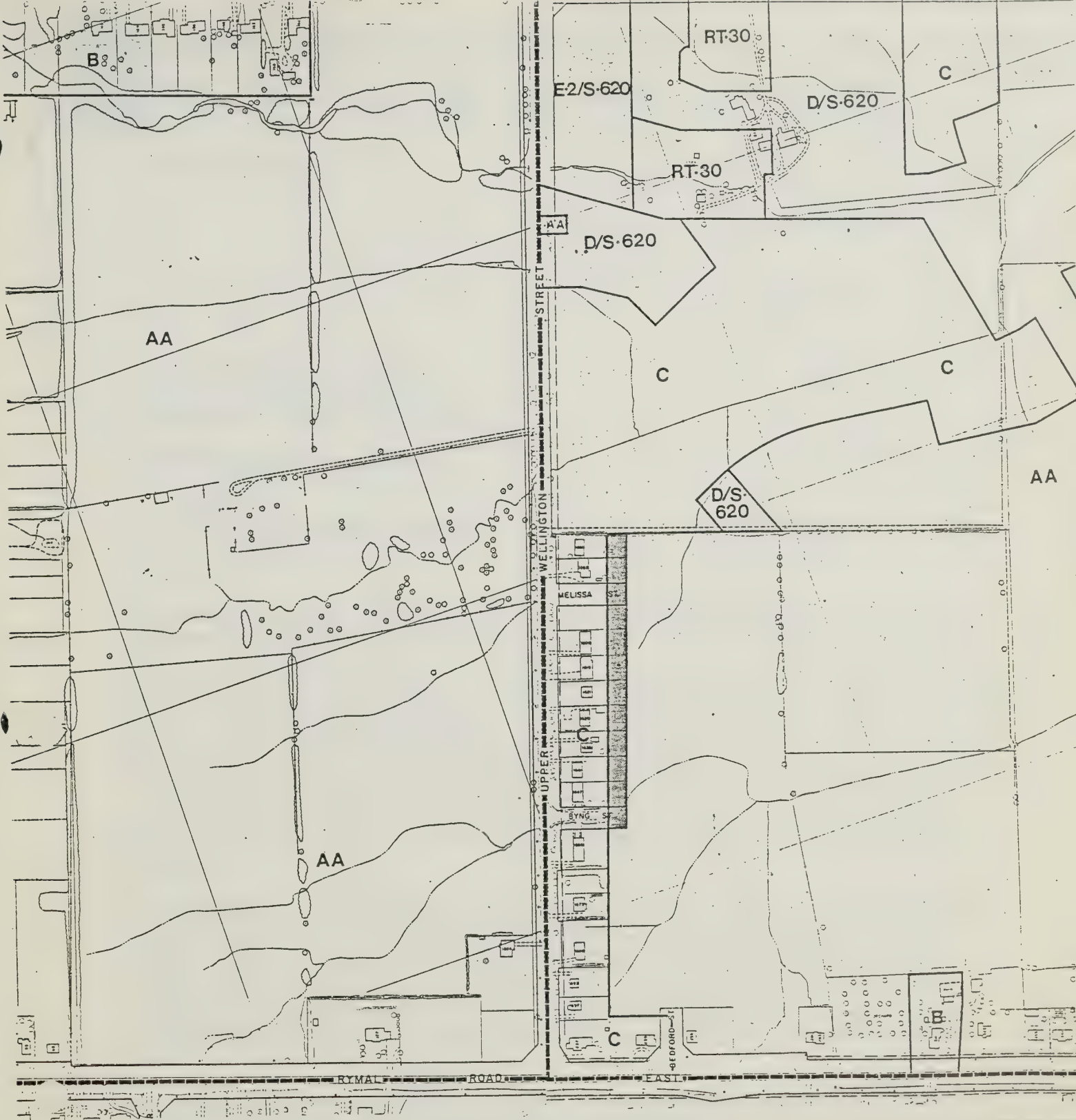
BLOCK 1

FROM "AA" (AGRICULTURAL) DISTRICT TO
"C" (URBAN PROTECTED RESIDENTIAL, ETC)
DISTRICT.

BLOCKS 2 & 3

FROM "AA" (AGRICULTURAL) DISTRICT TO
"E-2" (MULTIPLE DWELLINGS) DISTRICT.





LEGEND

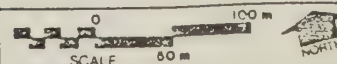


Lands to be rezoned under City Initiative

CITY OF HAMILTON

RYCKMANS

BARNSTOWN



PLANNING
UNIT NO

APPENDIX B

PAGE NO



THE CORPORATION OF THE CITY OF HAMILTON
City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1987 August 20

Mr. V.J. Abraham, M.C.I.P.
Director of Local Planning
Planning and Development Dept.

Attention: Mr. J.J. Zipay

RE: ZA-87-80
300 to 344 Rymal Road East

Dear Sir:

In response to your letter of 1987 July 22, please be advised that we have reviewed the above-noted application and have the following comments.

The proposed rezoning appears to conflict with the approved neighbourhood plan in two specific instances, both relating to the provision of multiple dwelling areas. The approved neighbourhood plan provided for a large block of attached housing/medium density apartment development in the north west corner of Rymal Road East and Upper Wentworth Street. If this application were to be approved this block will essentially extend from the Rymal Road East/Upper Wentworth intersection, north and west to the mid-block collector roadways. We would suggest that this may be an over-concentration of this type of development in this area.

From a more strictly traffic point of view, the proposed E-2 zoning located adjacent to the southern mid-block collector is the most inappropriate in that single family homes will be used to shield the townhouse sites from the arterial roadway. This will locate a higher traffic generator within the neighbourhood forcing this traffic past single family homes. This appears to be in direct conflict with current neighbourhood planning philosophy which locates higher density development at the outside edges of the neighbourhood unit.

We would suggest that either this part of the proposal be denied or that the use be shifted to the south, adjacent to Rymal Road.

Yours truly,

Murray F. Main, R. Eng.
Director of Traffic Services

RK/1h

Oct. 19/87.

13a.

ZA 87-80

Secretary,
Planning & Development Committee,
Room 233, City Hall,
Hamilton, Ont.

Dear Sir or Madam:

We are opposed to the zoning change, as proposed on the enclosed card, for the following reasons:

1. We strongly object to the townhousing shown in "Block 2". When attending earlier "Neighborhood Plan" meetings we were told townhouse development must stay to the perimeter roads. Single family homes would, in our opinion, be more in keeping with the established residences abutting "Block 2".
2. With no overall plan to include the S.E. corner development of Kentworth St. & Rymal Rd., we cannot possibly determine how detrimental this proposal may be to the properties affected. With the partial plan of the area presented now, we are left completely land-locked; & any future change we may find necessary is denied us.
3. Traffic now on Rymal Rd. & Kentworth St. is at the saturation point. Besides other factors, Kentworth St. has become the direct route to the Lime Ridge Mall from most points South, East & West.

Respectfully submitted,
Marjorie Forsyth
George R. Forsyth.
379 Rymal Rd. E.

Enc.

389 Rymer Rd. E.
Hamilton, Ont.
19/ Oct/ 87

13b.

7H-37-30

Secretary,

Planning + Development Committee -

Dear Sir/Madams -

I oppose the application. Present street planning + zoning does not allow us to assess the impact on our, + our neighbours properties.

Without something firm + binding as to streets + zoning on the property in the south-east corner of the lands involved, we cannot assess the future traffic flow, nor the impact of fringing, or infringing, of our properties.

Traffic flow on Rymer Rd is a major concern of ours.

We will be happy to expand on our concerns at any time.

Respectfully,

John C. Grotting

371 Rymal Road East
Hamilton, Ontario
L9B 1C3

13c.

ZA-87-80

Secretary,
Planning & Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Gentlemen:

We are opposed to zoning change regarding Block 2
(ZA-87-80) for the following reasons:

1. This block of townhouses is against normal city planning rules as explained to us at several planning meetings which we attended when official plan was developed, i.e. all townhouse development to be kept to perimeter of major blocks.
2. This particular townhouse development would basically landlock our property as there is no street across the northend of property. If in the future, we decided to sell this northern portion of our property the opportunity would be lost.
3. In our opinion, the number of heavy density townhouse developments in our general area built or planned seems sufficient .
4. As owners of our home for some 20 years and people who have over the years been involved with the planning development of this area, we hope you will understand our objections and why we are opposed to this zoning change.

Yours very truly,



Harley and Diane Knight

14.

F O R A C T I O N

FROM Planning and Development Department

DATE September 29, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-98

GILKSON
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the established "G" (Neighbourhood Shopping Centre, etc.) District provisions for the property located at No. 1300 Garth Street. The purpose of the proposed modification is to permit a veterinarian clinic to locate within the existing commercial plaza.

RECOMMENDATION

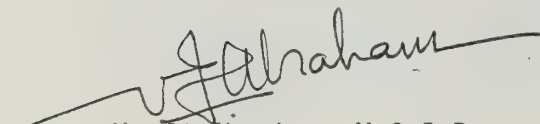
That approval be given to Zoning Application ZA-87-98, Ardor Investments Limited, owner for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District, to permit a veterinarian clinic to locate within the existing commercial plaza, for the property located at No. 1300 Garth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

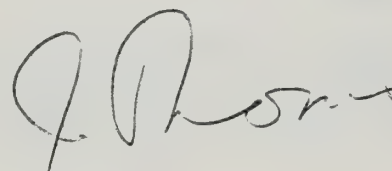
- i) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 applicable to the subject lands be modified to include the following variance:
 - a) That notwithstanding Section 13(1), a veterinarian clinic shall be permitted within the existing commercial plaza.
- ii) That the amending By-law be added to Section 13 of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map W-27D be noted S - ;
- iii) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-27D;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of this By-law is to provide for a modification to the "G" (Neighbourhood Shopping Centre, etc.) District for the property located at No. 1300 Garth Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a veterinarian clinic to locate within the existing commercial plaza.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Ardor Investments Ltd., owner.

LOT SIZE AND AREA

- o 59.45 m (195.05 ft.) of lot frontage on Garth Street;
- o 80.44 m (263.9 ft.) of lot depth; and
- o 4,896.57 m² (52,708 sq. ft.) of lot area

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>SUBJECT LANDS</u>	Commercial Plaza	"G" (Neighbourhood Shopping Centre, etc.) District
<u>SURROUNDING LANDS</u>		
To the north and south	Row Housing	"DE" (Low Density Multiple Dwellings) District
To the east	Two Family Dwellings	"C" (Urban Protected Residential) District
To the west	Two Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN

The subject lands are designated "Commercial" on Schedule "A". In addition, the lands also are located within Special Policy Area 22 on Schedule B-2 - Other Special Policy Areas which identifies the location of Neighbourhood Shopping Centers. As such, the proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Commercial" in the approved Gilkson Neighbourhood Plan. The proposal complies with the Approved Neighbourhood Plan.

COMMENTS RECEIVED

- o The Building Department has advised that:
"The proposed use is not a permitted use."
- o The Local Architectural Conservation Advisory Committee, Department of Health Services, Hamilton Region Conservation Authority and the Traffic Department have no comments and/or objections.
- o The Hamilton-Wentworth Engineering Department has advised that:
"public watermains, as well as separate storm and sanitary sewers are available to service the subject lands;

all widenings and the daylight triangle have previously been acquired;

no further road allowance widenings are anticipated; and that

any work within the adjacent road allowances must conform to the respective Streets By-laws."

COMMENTS

1. The proposal complies with the intent of the Official Plan.
2. The proposal would not conflict with the intent of the approved Gilkson Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
 - a) It would be compatible with the existing commercial uses in the existing plaza;

- b) It will be located on a major arterial road (Garth Street); and
- c) The site in question has been used for commercial purposes for a number of years.

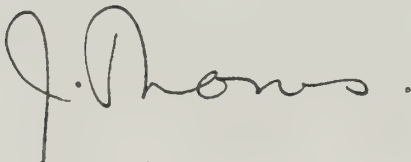
CONCLUSION

On the basis of the foregoing, the application can be supported.

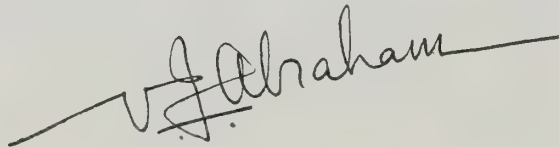
~~B~~ B.K.:nd

W.P. DOC. 0463P

6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 7. The owner is to convey blocks "50" and "51" to the City of Hamilton for open space and drainage purposes.
 8. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.
 9. That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 10. That Final Approval for this plan of subdivision not be given prior to the establishment of the Twenty Mile Creek Sanitary Trunk Sewer.
 11. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-18), Thomas J. Cooper and Marjorie J. Cooper, owners, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning Branch

BACKGROUND

Owner

T. J. Cooper and M. J. Cooper, Hamilton, Ontario.

Agent

G. F. Vulker, Hamilton, Ontario

Surveyor

Ashenhurst-Nouwens Ltd., Hamilton, Ontario.

Location

The lands, comprising 6.49 ha, are located south of Rymal Road, west of Christie Street and north of the Ontario Hydro Electric Power Transmission Line, in the Kennedy East Neighbourhood, being part of Lot 4, Concession 1, Township of Glanford, now in the City of Hamilton.

PROPOSAL

The owner proposes to subdivide the lands into 51 lots for single-family dwellings with lots being serviced from the new streets connecting to Malton Drive, Alderson Drive and Christopher Drive. The minimum lot size proposed would have a width of 15 m. and an area of 360 m.² which meets the minimum requirements of the "C" and "B-2" District zoning category.

COMMENTS FROM CIRCULATION

Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Municipal Affairs
- Ministry of Transportation and Communications
- Ministry of the Environment
- Ministry of Citizenship and Culture (subject to standard archaeological conditions)
- Niagara Escarpment Commission
- Union Gas, Bell Canada
- City of Hamilton Board of Education
- City of Hamilton Traffic Department
- City of Hamilton Building Department (subject to rezoning)
- Township of Glanbrook (subject to maintaining existing storm drainage flow)

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for "Residential - single and double" uses, park and recreational, utilities and flood prone lands.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned to permit the proposed development "C" (Urban Protected Residential etc.) District; "A" (Conservation, Open Space, Park and Recreation) District; and "B-2" (Suburban Residential) District. The proposal complies.

The Hamilton-Wentworth Department of Engineering submitted the following comments and recommendations:

- " 1) Sewer easements are required in those areas marked in red on the attached plan. The proposed easement over parts of Blocks 53 and 54 and Lot 39 which extends up Alderson Drive, can be adjusted to lie over all of Block 54 as the easement extends to Alderson Drive.
- 2) Blocks 52 and 57 are not required to be separate blocks from the Region's point of view and can be added to adjacent lands. The sewer easements as noted above will cover the Region's requirements in these areas.
- 3) This subdivision will be serviced to the future Twenty Mile Creek Sanitary Trunk Sewer which is expected to be installed either prior to or in conjunction with the development of these lands. The release of the Final Plan of Subdivision should not be finalized until the timing of construction of the trunk sewer has been established.
- 4) The proposed subdivision can be serviced by existing watermains on Malton Drive, Alderson Drive and Christopher Drive.
- 5) The Developer is to convey Block 56 to the City for park purposes in accordance with the approved neighbourhood plan. The area of these parklands may exceed the required area for the 5% Parkland requirement. Any credits will be dealt with under the City's subdivision agreement.
- 6) The Developer is to convey Blocks 53 & 55 to the City for open space and drainage purposes. Any compensation for those lands that may be due to the Subdivider will be dealt with under the City's subdivision agreement.
- 7) The Department of Transportation staff have made the following comments:
 - a) The centreline radius of the horizontal curves adjacent to Lots 44 & 45 and Lots 21, 22 & 23 do not conform to the minimum 110 metre centreline radius that is required for residential streets. The draft plan is to be amended accordingly.

- b) Horizontal curves should also be shown on Christopher Drive in the vicinity of Lot 1 and Lots 4 & 5 and must comply with the minimum radius noted in Item 7(a) above.
 - c) A 2 metre x 2 metre daylight triangle is to be established on Lot 31.
 - d) The cul-de-sac width at Lots 24 and 30 is to be established at 20 metres in width; the cul-de-sac radius established at 15 metres and the transition into the cul-de-sac is to be shown at a 9 metre radius.
 - e) The transition into the cul-de-sac on Alderson Drive adjacent to Lots 43 is to be established at a 9 metre radius.
 - f) Driveway access for Lot 23 is to be established on the north side of the lot; the access for Lot 44 is to be established on the easterly side of the lot; the access for Lot 45 is to be established on the westerly side of the lot with a vehicle turnaround on the private lands; access to Lot 46 is to be established on the west side of the lot, and access to Lots 24 and 30 are to be from the cul-de-sac only.
- 8) The Developer is to enter into subdivision agreements with the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of the subject lands.
 - 9) We do not expect that there will be any cost sharing for those Regional services which are to be installed on the proposed streets. Financing of the proposed Sanitary Sewer which runs through the subdivision is already covered under the Capital Budget.
 - 10) The submitted plan as prepared by John P. Nouwens, O.L.S. and dated June 15, 1987, is satisfactory to the Departments of Engineering and Transportation, subject to the above-noted comments and recommendations."

The Niagara Peninsula Conservation Authority submitted the following recommendations:

- "1) That the developer prepare a drainage plan for the proposed subdivision in accordance with the South-West Mountain Master Servicing Plan for review and approval by the Conservation Authority.
- 2) That a permit be obtained from the Conservation Authority under Ontario Regulation 82/86 for construction of the dwellings to be located within the Flood-risk Zone.
- 3) That the subdivision agreement contain wording which will ensure that
 - a) the final elevation of the street be not lower than 18" below the Flood Elevation of 222.4 feet geodetic,

- b) the buildings located within the Floodplain be flood-proofed to the elevation of 222.4 feet geodetic,
- c) that no building within the Floodplain contain any opening below the elevation of 222.4 feet geodetic."

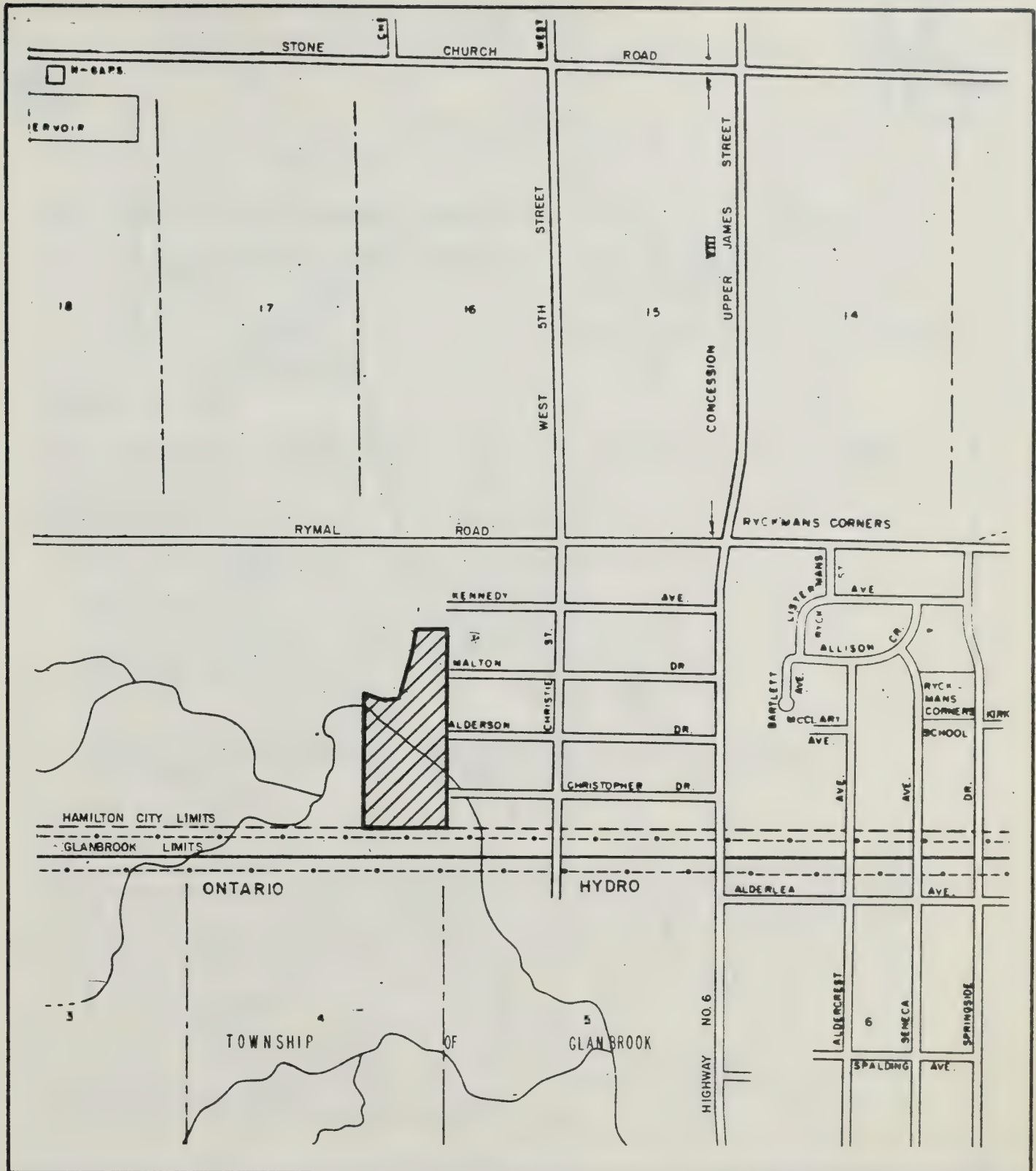
Ontario Hydro submitted the following comments and recommendations:

"We have no objections to the proposal provided the following conditions are included in the subdivision agreement:

- 1. A copy of the lot grading and drainage plan, showing existing and final grades, must be submitted to Ontario Hydro for review. Drainage must be controlled and directed from Ontario Hydro property.
- 2. Temporary fencing must be installed along the edge of the right-of-way prior to the start of construction at the developer's expense.
- 3. Permanent fencing must be installed after construction is completed along Ontario Hydro owned land.
- 4. Ontario Hydro property is not to be used without the express written permission of Ontario Hydro. The proponent will be responsible for restoration of any damage to the right-of-way resulting from construction of the subdivision."

COMMENTS

- 1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.
- 2. The neighbourhood plan shows that the lands of Block "49" are designated as a Park. A condition should request that Block "49" be conveyed to the City for park purposes.
- 3. The plan is revised by deleting proposed lots 38 to 40 inclusive and block 54 and by including the area into Block "51" for open space and drainage purposes. The deleted area, if permitted to develop, would need extensive "infill" and grading, requiring retaining walls to secure the filled area from erosion and slippage on to the lands which are proposed to be conveyed to the City of Hamilton for open space and drainage purposes.
- 4. The requirements of the Township of Glanbrook and the Ministry of the Environment and Ontario Hydro can be implemented through the conditions of draft approval by the Regional Municipality.



Location Plan For

COOPER'S FARM

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

1" = 1000'

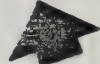
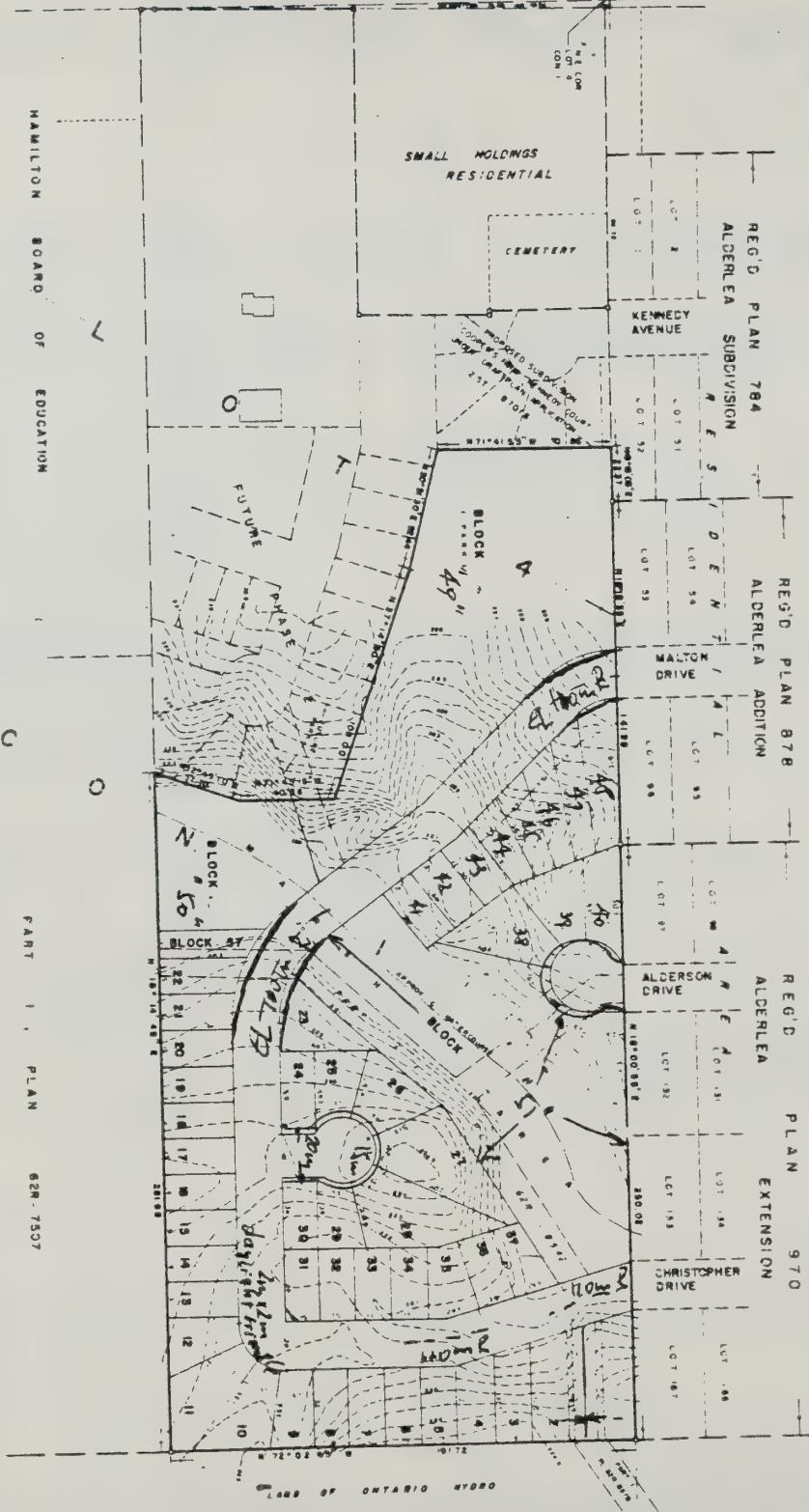
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25T-87023

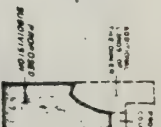
Date

JUNE 23, 1987

Drawing No.



KEY PLAN: SCALE 1:5000



METRIC NOTE:

Distances shown on this plan are in metres and feet are converted to feet at 0.3048

OWNER'S CERTIFICATE:

IN ACCORDANCE WITH SECTION 10(1) OF THE PLANNING ACT (1983) WE HEREBY AUTHORIZE ASHENHURST ENGINEERS LIMITED TO SUBMIT THE PLAN OF CONVEYANCE TO THE REGIONAL MUNICIPALITY OF HAMILTON, ONTARIO, FOR APPROVAL.

DATE: June 15/87

BY: [Signature]

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED ARE ACCURATELY AND COMPLETELY SHOWN

DATE: June 15/87

BY: [Signature]

JOHN P. NOUWENS
LAND SURVEYOR



COOPER'S FARM

« PHASE 1 »

BEING A PROPOSED SUBDIVISION OF PART OF LOT 4, CONCESSION 1 TOWNSHIP OF CLARENDON CITY OF HAMILTON SCALE 1:1000 METRES JOHN P. NOUWENS O.E.S. - 1987

SCHEDULE RE. SECTION 30 (2)

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Scale 1:1000 (Surveying) 1:1000 (Planning) 1:1000 (Zoning)

ASHENHURST ENGINEERS LIMITED
PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS
100 JAMES STREET NORTH
TORONTO, ONTARIO M5E 1B5
TEL: 593-8800
FAX: 593-8801

257-87023 (Revised) SA-87-18

F O R A C T I O N

FROM: Planning and Development Department

DATE: October 1, 1987

TO: Planning and Development Committee

Refer to File No 415

Your File No _____

Attention V. J. Abraham

SUBJECTS

Public meeting to consider passing of a by-law to rename the street names of Aimee Avenue, Fiona Court, Greenguild Court, Greencedar Court, and Como Drive.

RECOMMENDATION

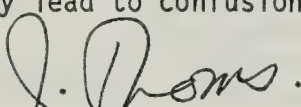
1) That approval be given to change the street names of

Aimee Avenue	to	Rockview Avenue
Fiona Court	to	Joseph Court
Greenguild Court	to	Francesca Court
Greencedar Court	to	Cedarlawn Court
Como Drive	to	Como Place.

2) That the attached by-law be recommended to Council for approval.

Explanatory note:

The Police Department, Fire Department and the Central Ambulance Communication Centre requested that the roads mentioned in the recommendation be changed. In the delivery of their services it became apparent that the similarity of spelling and/or pronunciation of the above-noted streets with existing streets may lead to confusion.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

Attached for review is a copy of a report dated July 6, 1987.

Notice of the subject public meeting was published in the Spectator for four successive weeks in accordance with the Municipal Act requirements. To date only one correspondence was received suggesting another street name. No other correspondence has been received in support or opposition to the proposed street name change.

JLS/jd

The Corporation of the City of Hamilton

BY-LAW NO. 87-

TO CHANGE THE NAME OF AIMEE AVENUE	TO ROCKVIEW AVENUE
FIONA COURT	TO JOSEPH COURT
GREENGUILD COURT	TO FRANCESCA COURT
GREENCEDAR COURT	TO CEDARLAWN COURT
COMO DRIVE	TO COMO PLACE

WHEREAS section 210, paragraph 105 of The Municipal Act, R.S.O. 1980, Chapter 302 provides that the Council of a municipality may pass a By-law to change names of highways, and

WHEREAS notice of this By-law was published once a week for four successive weeks in The Spectator prior to the passing of this By-law, as required by the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

The name of the street municipally known as

Aimee Avenue	is hereby changed to	Rockview Avenue
Fiona Court	is hereby changed to	Joseph Court
Greenguild Court	is hereby changed to	Francesca Court
Greencedar Court	is hereby changed to	Cedarlawn Court
Como Drive	is hereby changed to	Como Place

PASSED this day of A.D. 1987.

City Clerk

Mayor

27.

FOR ACTION

FROM: Planning and Development Department

DATE: July 6, 1987

TO: Planning and Development Committee

Refer to File No. 415
D.6.2

Attention V. J. Abraham

SUBJECT

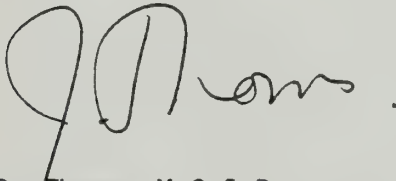
Proposed renaming of roads as requested by the Police Department, Fire Department and the Central Ambulance Communication Centre involving Aimee Avenue, Fiona Court, Greenguild Court, Greencedar Court and Como Drive.

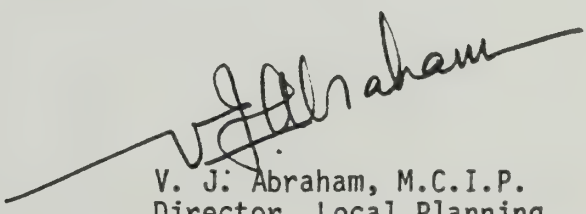
RECOMMENDATION

1. That Approval be given to proceed with the required publication to rename

Aimee Avenue	to	Rockview Avenue
Fiona Court	to	Joseph Court
Greenguild Court	to	Francesca Court
Greencedar Court	to	Cedarlawn Court
Como Drive	to	Como Place

2. That approval be given to hold a public meeting to consider the passing of a By-law to change the names of the above mentioned roads.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director, Local Planning

BACKGROUND

The Police Department, Fire Department and the Central Ambulance Communication Centre requested that the roads mentioned in the recommendation be changed. In the delivery of their services it became apparent that the similarity of spelling and/or pronunciation of the above noted streets with existing streets may lead to confusion.

COMMENTS

The proposed street names have been submitted to the Regional Planning and Development Department for consideration by the owners of the various Registered Plans involved.

The proposed street names have been circulated to the Police Department, Fire Department and the Central Ambulance Communication Centre who advised that the same are acceptable.

The requests are considered to be appropriate and in order.

In keeping with the procedure for renaming of roads, a notice of a public meeting to consider passing a by-law to change the street names shall be published four (4) successive weeks in a local newspaper.

JLS/11

F O R A C T I O N

FROM Planning and Development Department

DATE October 7, 1987

TO Planning and Development Committee

Refer to File No. DA-87-82
RYMAL
NEIGHBOURHOOD

Attention Of V. J. Abraham

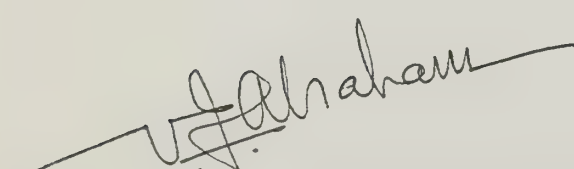
PROPOSAL

Plans have been submitted to construct a one-storey combination retail and industrial building at 160 Nebo Road. A minimum of 42 parking spaces will be provided. The maximum gross floor area will be 1930.49 square metres. The proposed exterior building face will be concrete block.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-82 by 723485 Ontario Ltd., prospective owner of the lands at 160 Nebo Road for a one-storey combination retail and industrial building subject to the following:

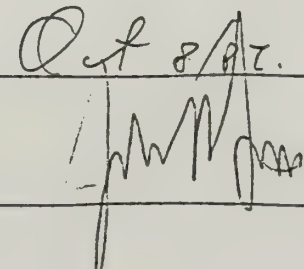
- a) modification to the plans related to dimensions notes, and signage as marked in red on the plans;
- b) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department; and
- c) notation on the plan indicating that the ancillary retail sales area shall not exceed 25% of the gross floor area of the building, as required by the by-law.

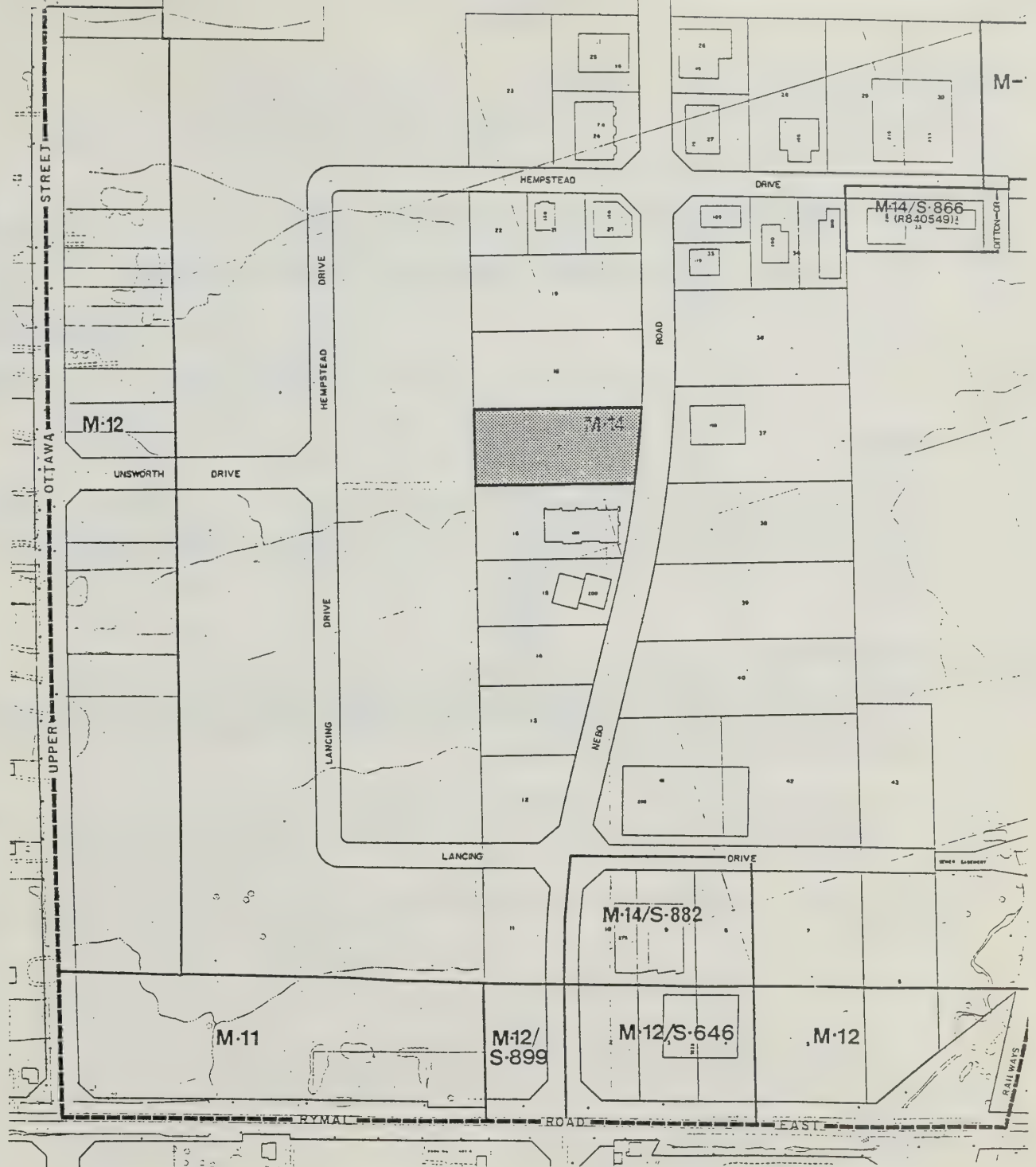

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman and Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P





PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-82

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
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Date
AUG., 1987

Reference File No.
DA-87-82

Drawing No.
87-H-

F O R A C T I O N

FROM Planning and Development Department

DATE October 6, 1987

TO Planning and Development Committee

Refer to File No. DA-87-67
KENTLEY
NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted to erect a new pylon sign in an alternate location from the existing pylon sign located at 623 Queenston Road. The sign will display the new up-to-date "Wendy's Restaurants" sign face and is to be located in a more appropriate location on the site.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-67 by Wendy's Restaurant of Canada Inc., owner of the lands at 623 Queenston Road for a pylon sign subject to the following:

- a) clarification of the encroachment agreement registered as Instrument No. 90030 C.D. to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;

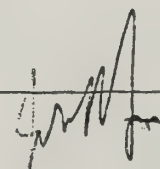
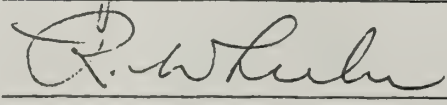
and further, that the owner be exempt from signing the required undertaking on the plan.

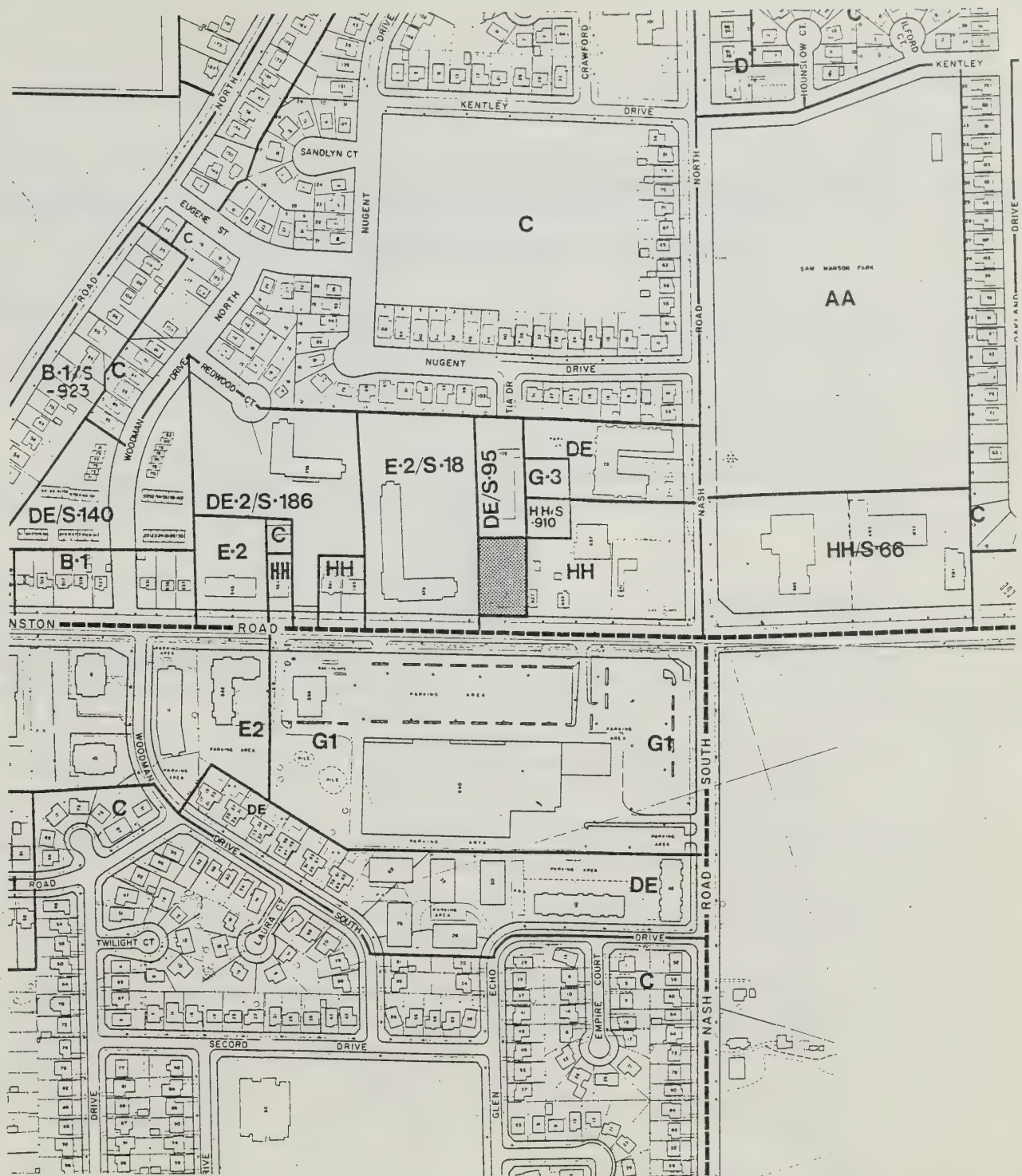

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman

Alderman Reg Wheeler
Ward Alderman

 Oct 8/87




32 CORMAN

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-67

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

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Scale
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Date
AUG. 1987

Reference File No.
DA-87-67

Drawing No.
87-H-

F O R A C T I O N

FROM Planning and Development Department

DATE September 28, 1987

TO Planning and Development Committee

Refer to File No. DA-87-64
GREENINGDON
NEIGHBOURHOOD

Attention Of V. J. Abraham

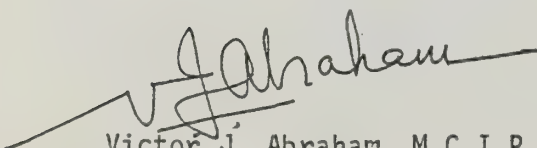
PROPOSAL

Plans have been submitted to convert the existing retail building and gas bar (Ex-Canadian Tire Store) at 891 Upper James Street to shopping plaza and donut shop.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-64 by 672317 Ontario Ltd., owner of the lands at 891 Upper James Street for a shopping plaza and donut shop subject to the following:

- a) modification to the plans related to dimensions, notes, parking layout and access as marked in red on the plans;
- b) submission of a revised grading plan to the satisfaction of the Hamilton-Wentworth Engineering Department;
- c) submission of a revised landscape plan to the satisfaction of the Director of the Planning and Development Department.
- d) dedication to the Region of Hamilton-Wentworth for road widening purposes, approximately 3.048 m along Upper James Street.

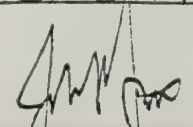
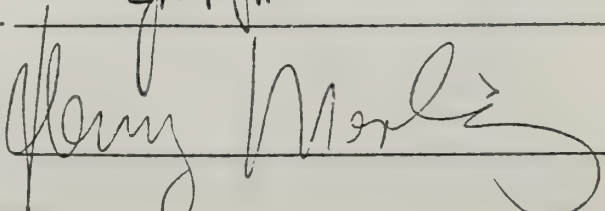

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman

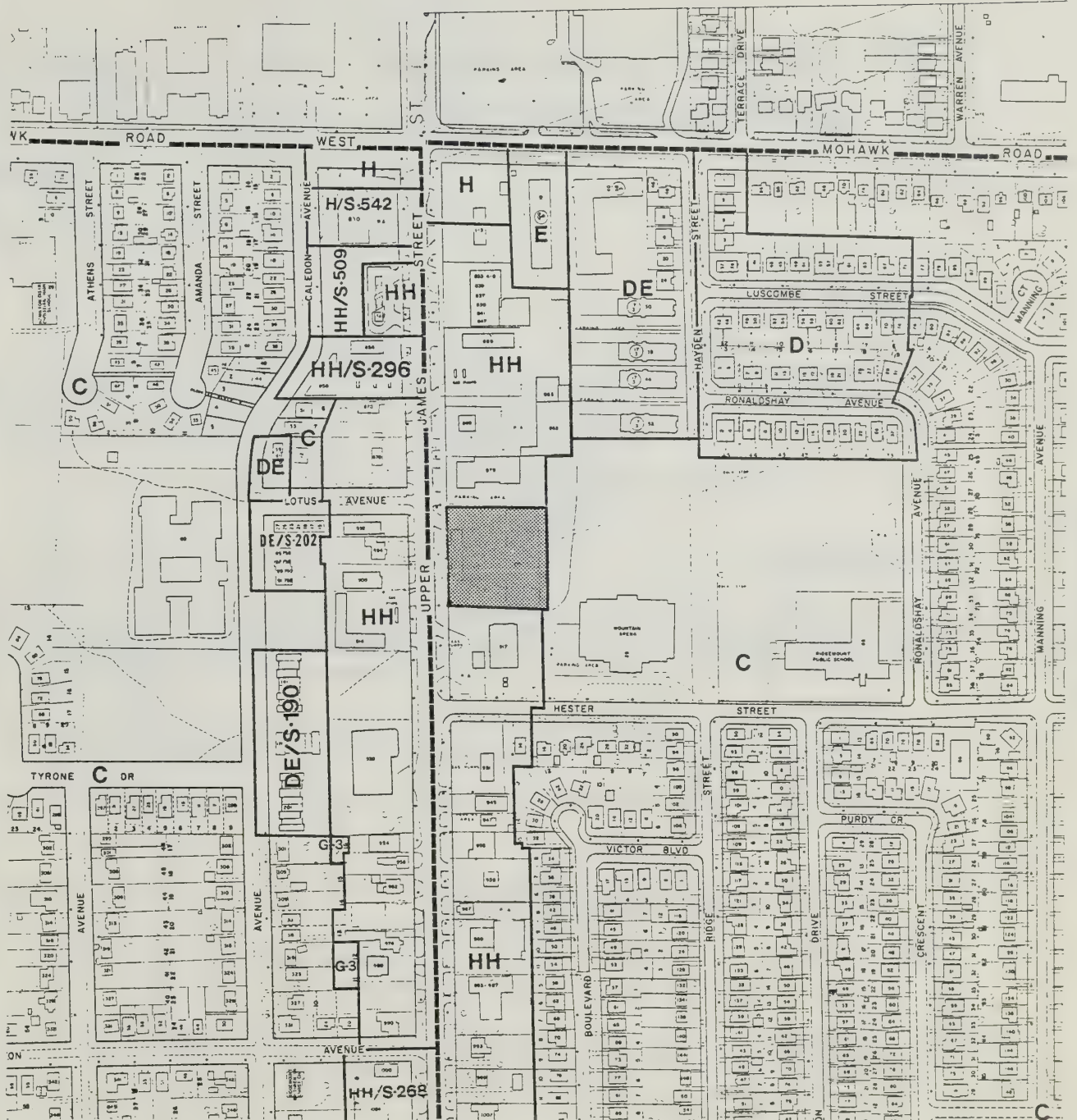
Alderman Henry Merling
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

Oct 21/87.



137 YEOVILLE

56 GREENINGDON



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-64

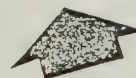
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
JUNE, 1987

Reference File No.
DA-87-64

Drawing No.
87-H-64

FOR ACTION

FROM Planning and Development Department

DATE _____

September 3, 1987

T0 Planning and Development Committee

Refer to File No.

DA-87-50

CRERAR

NEIGHBOURHOOD

Attention Of

V. J. Abraham

PROPOSAL

Plans have been submitted for a 48 unit, two-storey complex for senior citizens at 1411 Upper Wellington Street. The application proposes phasing the construction of the complex. The first phase shall consist of 30 dwelling units and the second phase shall consist of 18 residential care units.

A total of 60 parking spaces are provided on the site.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-50 by Mount Hamilton Christian Reformed Church, owner, of the lands at 1411 Upper Wellington Street for a 48 unit seniors complex subject to the following:

- a) modification to the plans related to dimensions, notes, landscaping, visual barrier and access as marked in red on the plans;
- b) provision of the required front and side yard as noted by the Building Department;
- c) submission of revised driveway and parking areas to the satisfaction of the Director of Traffic Services;
- d) submission of a revised grading plan to the satisfaction of the Hamilton-Wentworth Engineering Department; and
- e) submission of a revised landscape plan to the satisfaction of the Director of the Planning and Development Department.

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

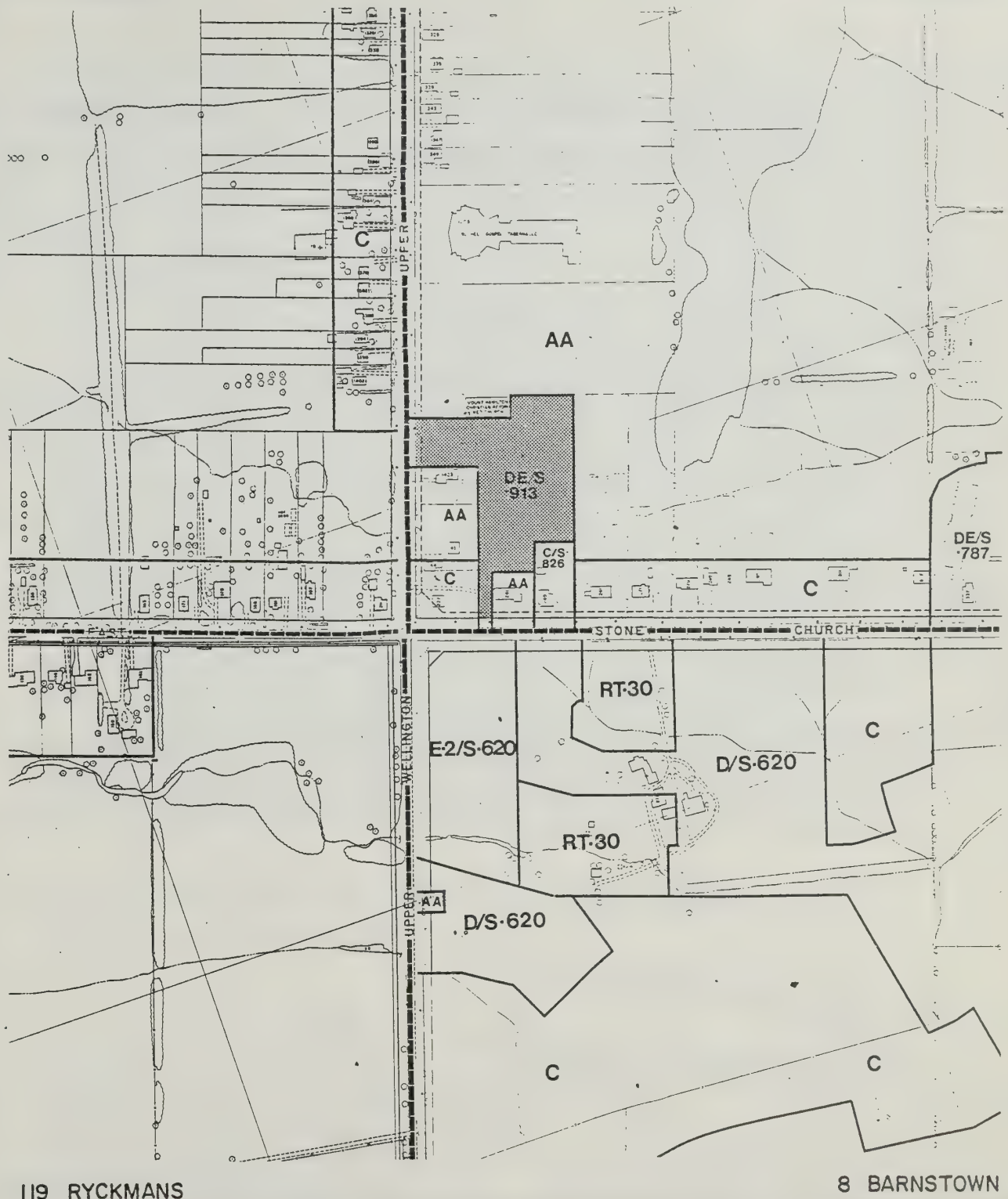
Alderman John Smith
Chairman

Alderman Henry Merling
Ward Alderman

Sept. 23/85

[Signature]

Henry Nash



PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-50

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
MAY, 1987

Reference File No.
DA-87-50

Drawing No.
87-H-50

FOR ACTION

FROM Planning and Development Department

DATE September 30, 1987

T0 Planning and Development Committee

Refer to File No. DA-87-38
(DA-83-06)
(DA-82-38)

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted to amend previously approved plans for a completed nursing home complex located at 121, 123 and 125 Wentworth Street South. Survey plans of the completed building have noted the following:

- a reduction of a side yard from 4.0 m to 3.363 m;
- a reduction of the front yard from 2.719 m to 2.140 m.

All other aspects of the proposal such as landscaping, grading and access driveways are to be incorporated as previously approved.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-38 by Deem Management Services, owner of the property at 121, 123 and 125 Wentworth Street South at Delaware Avenue for an amendment to Site Plan Control Application DA-83-06 and DA-82-38 to modify various dimensions as noted on the plan subject to the following:

- a) that the landscape and grading plans as previously approved be included as part of this application.

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman

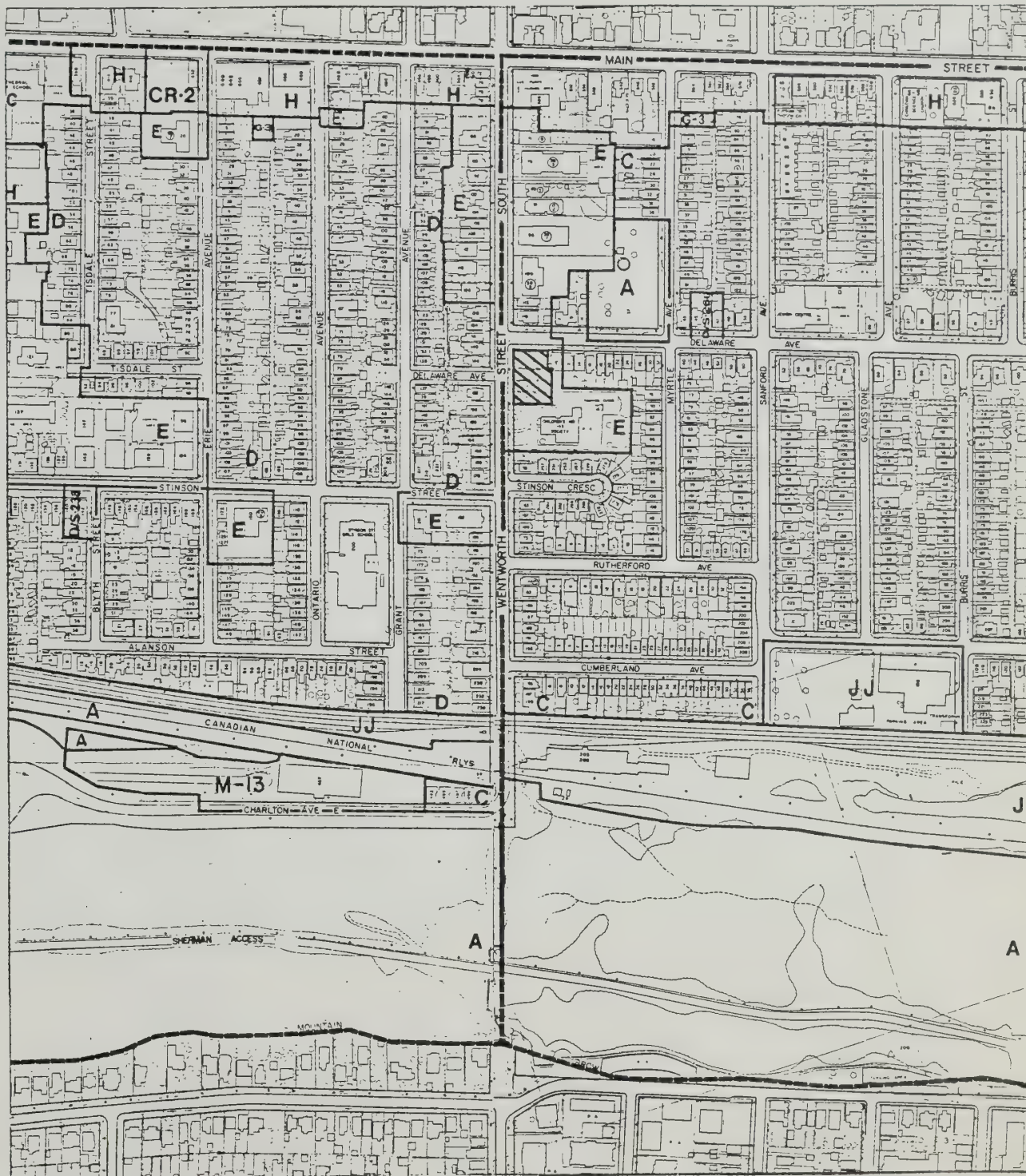
Alderman Brian Hinkley
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

Oct 8/87.

[Handwritten signature]

John Hankley



STINSON NEIGHBOURHOOD No. 125

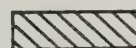
ST. CLAIR NEIGHBOURHOOD No. 124

PLAN SHOWING
LANDS SUBJECT TO

**SITE PLAN CONTROL
APPLICATION DA-83-06**

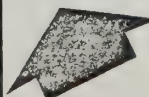
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale

1:5000

Reference File No.

DA-82-38

Date

83-02-21

Drawing No.

83-H-15



THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton

Mrs. J. McAnanama
Chief Librarian

2nd floor

1987 November 5

CAY ONLINE NO
C 514
1987

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1987 November 11
2:00 o'clock p.m.
Room 233, City Hall

Susan K. Reeder.
Susan K. Reeder
Acting Secretary

SKR:jf

AGENDA

- (A) 2:00 p.m. - Public Meeting -Street Name Changes
- (B) 2:15 p.m. - Hamilton & District Home Builders Association
 - (a) Connection of Roof Leaders to Storm Sewers
 - (b) Access Roads and Water Supplies - New Home Construction sites
- (C) 3:00 p.m. - Public Meeting - Zoning Applications (See item 11)
- (D) 7:30 p.m. - Consultants Presentation - Hamilton Beach Study
Concept Plan *coded separately*
- (E) 8:15 p.m. - Public Meeting - Normanhurst Neighbourhood Rezoning & H11
of Industrial Lands *See: CAY ON HBL K83*
- 1. Minutes of the meetings held Wednesday, 1987 October 14th and
Wednesday, 1987 October 28th (copies to follow)
- 2. Mayor Robert M. Morrow
 - (a) AMO Seminar - "Lot Levies: A Developing Issue" - Friday, 1987
November 20 - Toronto
 - (b) Correspondence - The Honourable Bernard Grandmaitre, Minister
of Municipal Affairs - Demolition of a building at 74 Charlton
Avenue East

URBAN MUNICIPAL

NOV 12 1987

GOVERNMENT DOCUMENTS

- (c) Development of a Policy Statement which encourages the rejuvenation of specific areas of the City of Hamilton through granting variances to the zoning by-law as may be deemed appropriate and in the public interest. (no copy)
- (d) A Review of Parking Standards with the aim of developing standards for specific areas in which the existing building stock and land is incapable of adhering to current standards. The purpose is to encourage conversion and re-use of buildings through a less stringent application of parking standards. (no copy)
- (e) Review of functions in which staff decision-making can be augmented to help cut red tape by reducing processing time i.e.: site plan amendments. (no copy)

3. Alderman J. Smith

- Committee Meeting Room and Format (no copy)

4. Demolition Permit Applications - Building Commissioner

- (a) 255 Young Street
- (b) 213 Belmont Avenue
- (c) 215 Belmont Avenue
- (d) 141 Belview Avenue
- (e) 151 Belview Avenue
- (f) 155 Belview Avenue
- (g) 213 Brant Street
- (h) 13 Gerrard Street
- (i) 14 Gerrard Street
- (j) 386 Birch Avenue
- (k) 397/399 Sherman Avenue North

5. Building Commissioner

- Committee of Adjustment Applications - Fees

6. Director of Community Development

- (a) Applications - Ontario Home Renewal Programme (O.H.R.P.)
- (b) Update Report on Applications approved - Ontario Home Renewal Programme (O.H.R.P.) - (Private & Confidential) (For Information)
- (c) International Village Business Improvement Area; Proposed Budget and Schedule of Payments 1988
- (d) Barton General Business Improvement Area (B.I.A.) Community Improvement Plan; Commercial Facade Loan Programme and Commercial Improvement Programme

7. Director of Property

- (a) Sale - (Hamilton Industrial Park #1) - Lancing Drive - E. M. A. Pietrantoni
- (b) Extension of Closing Date - Vacant Land - York Street - L. Nash and B. W. Morison
- (c) Sale - (Hamilton Industrial Park #1) - Nebo Road - L. DelSordo and M. DelSordo
- (d) Sale - (Hamilton Industrial Park #1) - Nebo Road - J. Piano, L. Mucci and J. Licatolosi
- (e) Sale - Vacant Lands - 425 York Boulevard - Jubille Consultants Services, Hamilton.
- (f) Release of Agreement between the City of Hamilton and G. Vulker and J. Popaleni - 1418 Upper Sherman Avenue.

8. Engineering Commissioner

- Cash Payment in Lieu of 5% Parkland Dedication - Ridgeview Estates -Phase 2, Hamilton

9. L.A.C.A.C.

- Heritage Easement - MacNab Street Presbyterian Church, 116 MacNab Street South.

10. Director of Local Planning

- (a) Stipley Neighbourhood Plan - Proposed Amendment
- (b) Staff and Project Review (For information)
- (c) Applications - Extension of a Draft Plan Approval - Battleridge Subdivision and Wisemount Forest Survey
- (d) Subdivision Application SA-87-18, T. J. Cooper and M. J. Cooper, owners, for lands located south of Rymal Road, west of Christie Street and north of the Ontario Hydro Electric Power Transmission Line.
- (e) Site Plan Control Applications Approved (For information)

ZONING APPLICATIONS

3:00 P.M.

11. Zoning Application 87-90, Hamilton General Homes (1971) Limited, owner, for a change in zoning from "C" to "G-1", and an amendment to the Official Plan from "Residential" to "Commercial", for property located on the north side of Stone Church Road East, west of the Ontario Hydro Right-of-way. Rushdale Neighbourhood.
Public Meeting - 3:00 p.m.
12. Zoning Application 87-97, Eduardo Amaral, owner, for a modification to the established "D" District regulations for property located at No. 287 Locke Street South, Kirkendale North Neighbourhood.
Public Meeting - 3:00 p.m.
 - (a) Letters of Submission
13. (a) Zoning Application 84-79, Ferrell Builders Supply Ltd., Adorn Investments Ltd., M. Henderson, M. and D. Garon and W. Kohlberger, owners, for changes in zoning from "AA" and "E-2" to "R-2", "H" modified and "G" modified, for lands in the area north of Queenston Road and West of Grays Road; Riverdale East Neighbourhood.
Public Meeting - 3:15 p.m.
 - (b) Zoning Application 87-86, Hamilton Street Railway, owner, for a change in zoning from "AA" to "R-2" and "G" modified, for property located at the rear of No. 973 Queenston Road; Riverdale East Neighbourhood.
Public Meeting - 3:15 p.m.
14. Zoning Application 87-105, Hamilton/Burlington Y.M.C.A., lessee, for a modification to the established "B" zoning for property municipally known as No. 25 High Street (Sherwood Secondary School); Sherwood Neighbourhood.
Public Meeting - 3:15 p.m.
15. Zoning Application 87-79, Unidevco Property Group Ltd., prospective owner, for a modification to the established "KK" zoning for property municipally known as 35 Goderich Road; Nashdale Neighbourhood.
Public Meeting - 3:30 p.m.
16. Zoning Application 87-108, Hamilton-Wentworth Head Injury Association, prospective owner, for a modification to the established "DE-2" zoning for property located at 100 Barnesdale Boulevard; Stipley Neighbourhood.
Public Meeting - 3:30 p.m.
 - (a) Letters of Submission
17. Other Business
18. Adjournment

A.

F O R A C T I O N

FROM: Planning and Development Department

DATE: October 1, 1987

TO: Planning and Development Committee

Refer to File No 415
Your File No _____

Attention V. J. Abraham

SUBJECTS

Public meeting to consider passing of a by-law to rename the street names of Aimee Avenue, Fiona Court, Greenguild Court, Creencedar Court, and Como Drive.

RECOMMENDATION

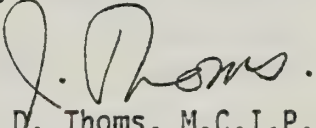
1) That approval be given to change the street names of

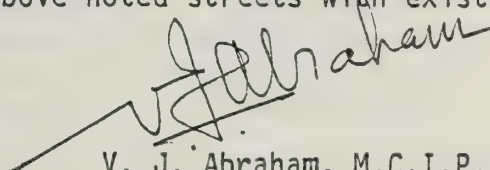
Aimee Avenue	to	Rockview Avenue
Fiona Court	to	Joseph Court
Greenguild Court	to	Francesca Court
Greencedar Court	to	Cedarlawn Court
Como Drive	to	Como Place.

2) That the attached by-law be recommended to Council for approval.

Explanatory note:

The Police Department, Fire Department and the Central Ambulance Communication Centre requested that the roads mentioned in the recommendation be changed. In the delivery of their services it became apparent that the similarity of spelling and/or pronunciation of the above-noted streets with existing streets may lead to confusion.


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development


V. J. Abraham, M.C.I.P.
Director - Local Planning

BACKGROUND

Attached for review is a copy of a report dated July 6, 1987.

Notice of the subject public meeting was published in the Spectator for four successive weeks in accordance with the Municipal Act requirements. To date only one correspondence was received suggesting another street name. No other correspondence has been received in support or opposition to the proposed street name change.

JLS/jd

The Corporation of the City of Hamilton

BY-LAW NO. 87-

TO CHANGE THE NAME OF AIMEE AVENUE
FIONA COURT
GREENGUILD COURT
GREENCEDAR COURT
COMO DRIVE

TO ROCKVIEW AVENUE
TO JOSEPH COURT
TO FRANCESCA COURT
TO CEDARLAWN COURT
TO COMO PLACE

WHEREAS section 210, paragraph 105 of The Municipal Act, R.S.O. 1980, Chapter 302 provides that the Council of a municipality may pass a By-law to change names of highways, and

WHEREAS notice of this By-law was published once a week for four successive weeks in The Spectator prior to the passing of this By-law, as required by the said Act.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

The name of the street municipally known as

Aimee Avenue	is hereby changed to	Rockview Avenue
Fiona Court	is hereby changed to	Joseph Court
Greenguild Court	is hereby changed to	Francesca Court
Greencedar Court	is hereby changed to	Cedarlawn Court
Como Drive	is hereby changed to	Como Place

PASSED this day of A.D. 1987.

City Clerk

Mayor

F O R A C T I O N

FROM: Planning and Development Department

DATE: July 6, 1987

TO: Planning and Development Committee

Refer to File No. 415
D.6.2

Attention V. J. Abraham

SUBJECT

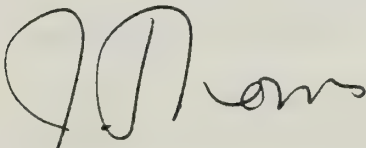
Proposed renaming of roads as requested by the Police Department, Fire Department and the Central Ambulance Communication Centre involving Aimee Avenue, Fiona Court, Greenguild Court, Greencedar Court and Como Drive.

RECOMMENDATION

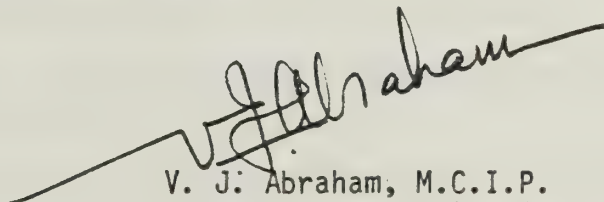
1. That Approval be given to proceed with the required publication to rename

Aimee Avenue	to	Rockview Avenue
Fiona Court	to	Joseph Court
Greenguild Court	to	Francesca Court
Greencedar Court	to	Cedarlawn Court
Como Drive	to	Como Place

2. That approval be given to hold a public meeting to consider the passing of a By-law to change the names of the above mentioned roads.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director, Local Planning

BACKGROUND

The Police Department, Fire Department and the Central Ambulance Communication Centre requested that the roads mentioned in the recommendation be changed. In the delivery of their services it became apparent that the similarity of spelling and/or pronunciation of the above noted streets with existing streets may lead to confusion.

COMMENTS

The proposed street names have been submitted to the Regional Planning and Development Department for consideration by the owners of the various Registered Plans involved.

The proposed street names have been circulated to the Police Department, Fire Department and the Central Ambulance Communication Centre who advised that the same are acceptable.

The requests are considered to be appropriate and in order.

In keeping with the procedure for renaming of roads, a notice of a public meeting to consider passing a by-law to change the street names shall be published four (4) successive weeks in a local newspaper.

JLS/11

ON

YOUR FILE:

Attach.

OCT 19 1987



**HAMILTON &
DISTRICT
HOME
BUILDERS
ASSOCIATION**

A member of the Canadian
Home Builders Association

1112 Rymal Rd. E., (Corner of Upper Ottawa)
Hannon P.O. Box 188, Hamilton, Ontario L0R 1P0 Tel. 575-3344

October 15, 1987

The Corporation of the
City of Hamilton
Planning & Development Committee
71 Main Street West, 7th Floor
Hamilton, Ontario
L8N 3T4

Dear Sir:

Re: Connection of Roof Leaders to Storm Sewers

Please be advised that our Association objects to a by-law being prepared for the mandatory hookup of rain water leaders to storm sewers.

The hookups would increase our costs by approximately \$600.00 per house, which cost we would have to pass onto the consumer. Our prices are already rising enough without having to burden our consumer with another \$600.00.

The Engineering Department objected to the hookup for the reasons stated in a report dated July 7, 1987 to your Department. (Copy enclosed.)

Our Association has always had a good working relationship with the City of Hamilton and would like the opportunity to discuss this matter further with the Planning & Development Committee before a by-law is passed into law. Perhaps this item should be brought before the Task Force on Lot Grading, as it does pertain to the same subject.

Our Association would like to be able to connect the rain water leaders at our option and not have it mandatory. We would therefore like to oppose this proposed by-law and would be pleased to meet with you at your convenience for further discussion. We would be pleased to have your response as soon as possible so this matter can be resolved quickly.

Yours truly,

Ward Campbell
President

WC/ama

c.c. Mayor Bob Morrow

FROM Department of EngineeringDATE July 7, 1987TO Planning and Development CommitteeRefer to File No. E200-01SUBJECTAttention Of K. A. Brenner

Your File No. _____

Connection of roof leaders to storm sewers.

BACKGROUND

Your Committee directed the Engineering Department in June to report to your Committee on the matter of roof leader connections. The following are our comments.

The Ontario Building Code, which is applicable to the construction of buildings in Hamilton, does not require the installation of eavetroughs.

The Region's sewer by-law does not deal with the subject because it is a Area Municipality responsibility.

The City of Hamilton By-laws do not require the connection to a storm sewer. The Health By-law, which states that an area must be drained, was taken by some people as requiring the connection of roof leaders to the storm sewer, which is not the case.

The result of the above legislation is that a land owner may install eavestroughs and may connect them to a Regional storm sewer.

The above described arrangement is reasonable because it permits owners to discharge roof water onto the ground to reduce overloading of sewers and possible basement flooding, while generally not causing a problem to the abutting land owners. The erosion problem occurring during construction can be resolved by various means if necessary.

The City could likely pass a by-law requiring all roof leaders to be connected to storm sewers. This however, would, in our opinion, not be desirable for the following reasons:

It would be a nuisance to enforce on garages and other small buildings.

It would be most unreasonable to force a land owner in a combined sewer area to connect his roof water to the sewer and thereby increase the amount of basement flooding in his own basement if his building is located in a flood prone area.

Cont'd.....

Connection of roof leaders to storm sewers

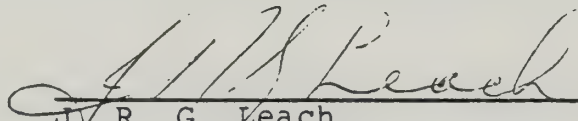
Cont'd.....

The City undertook, at the request of the Conservation Authority, a few years ago a study which was adopted by the City. One of the recommendations in the study was not to force owners to connect roof leaders to the storm sewers. This recommendation was based on the Authorities desire to reduce erosion in Red Hill Creek.

Lastly, but the most important reason, is that as the development in the City spreads to the Twenty Mile Creek and Ancaster Creek watersheds, the City will have to concern itself with reducing the storm water run-off peaks. Up to now the City had the fortune and the foresight to purchase the entire valleys for storm water run-off and use the harbour and lake as a buffer. This luxury will not be available in the other areas. One of the techniques to reduce the peak flows is to discharge roof leaders to grassed areas.

CONCLUSION

The present requirement, which is flexible and gives the owners a chance to connect or not is reasonable considering the existing and proposed development in Hamilton.


J. R. G. Leach
Commissioner of Engineering

KAB:cc

Section 13 of the Seventeenth Report of the Planning and Development Committee approved by City Council at their meeting held Tuesday, 1987 September 29th.

13. That the City Solicitor be authorized and directed to draft a By-law for Council's approval for the purpose of requiring all roof leaders to be connected to storm sewers.

3 (b)

MEMORANDUM • CITY OF HAMILTON

TO : Alderman J. Smith, Chairman
and Members, Planning and
Development Committee

YOUR FILE:

FROM : Mrs. Susan K. Reeder, Acting Secretary
Planning & Development Committee

OUR FILE :

SUBJECT : Access Roads and Water
Supplies - New Home Construction Sites

DATE : 1987 November 6

For the information of the members of the Committee, I am attaching herewith Section 20 of the Twentieth Report of the Planning and Development Committee which was REFERRED BACK by City Council at its meeting held Tuesday, 1987 October 27th.

It is my understanding that this matter was referred back in order that representatives of the Hamilton and District Home Builders Association be given an opportunity to provide their comments on this matter.

I am also attaching herewith the original action item which was presented to the meeting of the Planning and Development Committee held Wednesday, 1987 October 14.

SKR:jf

Attach.

20. (a) That the City Solicitor be authorized and directed to amend City of Hamilton Subdivision agreements by adding the following:
- i) That the Building Commissioner shall not issue a building permit before the regional water supply for fire protection is available and operational and an access road acceptable to the City has been provided; and
 - ii) That the City Solicitor be authorized and directed to draft a by-law confirming the above.
- (b) Notwithstanding the foregoing, the Building Commissioner may issue building permits for a maximum of six (6) model homes per Subdivision.

NOTE: A recent \$10 million dollar fire in Markham, Ontario where more than 100 homes under construction were destroyed was just one of a series of such incidents which have occurred in the past 18 months where inadequate water supply was considered a major factor.

Subsequent to the Markham fire, the Hamilton Fire Department has been investigating the availability of water on new construction sites, and have determined that a serious water supply problem does exist in some areas.

It is the view of the Fire Department that adoption of this recommendation would greatly reduce the potential for large loss fires occurring on construction sites.

It should be noted that the above referenced by-law would enable the Building Commissioner to refuse to issue a permit in accordance with provisions of the Ontario Building Code.

Staff have met with representatives of the Hamilton and District Home Builders Association and discussed various alternative methods of dealing with this situation.

Alternatives considered included:

- a) permitting 10% of new homes to be completed without water and roads
- b) allowing construction within 400 feet of an existing charged hydrant
- c) permitting construction to proceed to the sub-floor
- d) requiring every sixth house to be bricked in to act as a fire break prior to proceeding with the framing for additional houses.

While it is recognized that all or most of the alternatives are feasible, these proposals were rejected on the basis that they are much more difficult to administer and would necessitate the acquisition of additional staff.



9a.

THE CORPORATION OF THE CITY OF HAMILTON

FROM L. G. Saltmarsh, Fire Chief DATE September 23, 1987
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. _____

TO: CITY COUNCIL ☐ (OR) Planning and Development ☒
Committee

SUBJECT Provision of access roads and water supplies for fire protection
in areas containing new home construction sites.

RECOMMENDATION

That the City Solicitor be authorized and directed to amend City of Hamilton Subdivision agreements by adding the following:

- (a) that the Building Commissioner shall not issue a building permit before the regional water supply for fire protection is available and operational and an access road acceptable to the City has been provided; and
- (b) that the City Solicitor also be authorized and directed to draft a by-law confirming the above.

Notwithstanding the foregoing, the Building Commissioner may issue building permits for a maximum of six (6) model homes per Subdivision.

BACKGROUND

A recent \$10 million dollar fire in Markham, Ontario where more than 100 homes under construction were destroyed was just one of a series of such incidents which have occurred in the past 18 months where inadequate water supply was considered a major factor.

Subsequent to the Markham fire, the Hamilton Fire Department has been investigating the availability of water on new construction sites, and we have determined that a serious water supply problem does exist in some areas.

It is our view that adoption of the recommendation contained herein would greatly reduce the potential for large loss fires to occur on construction sites.

It should be noted that the above referenced by-law would enable the Building Commissioner to refuse to issue a permit in accordance with provisions of the Ontario Building Code.

Staff have met with representatives of the Hamilton and District Home Builders Association and discussed various alternative methods of dealing with this situation.

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- allowing construction within 400 feet of an existing charged hydrant
- permitting construction to proceed to the sub-floor
- requiring every sixth house to be bricked in to act as a fire break prior to proceeding with the framing for additional houses.

While it is recognized that all or most of the alternatives are feasible, these proposals were rejected on the basis that they are much more difficult to administer and would necessitate the acquisition of additional staff.

D.

FOR ACTION

FROM: Planning and Development Department

DATE: November 5, 1987

TO: Planning and Development Committee

REFER TO FILE NO: P5-2-60

Attention of: V. J. Abraham

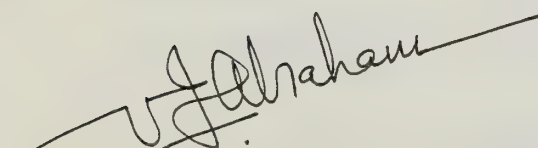
SUBJECT

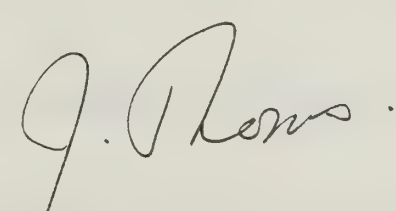
Hamilton Beach Concept Plan.

RECOMMENDATION

✓ coded separately
see: CA4 ON HBL K83
87 H11

1. That the Hamilton Beach Concept Plan, Final Report, September, 1987, be accepted in principle.
2. That a Beach Steering Committee continue on to oversee the implementation of the Concept Plan.
3. That staff be directed to prepare a Neighbourhood Plan for Hamilton Beach.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Director
Planning and Development

EXPLANATORY NOTE

The consulting firm of Moore/George were commissioned to prepare a concept plan for Hamilton Beach in 1986. A steering committee oversaw the work which involved the preparation of technical reports and public participation. The plan recommends a mixed use concept. The continuation of a steering committee and a neighbourhood plan are needed to implement the concept.

BACKGROUND

- In 1986, the City and the Hamilton Region Conservation Authority jointly set up a study to examine the future of Hamilton Beach.
- A Beach Steering Committee was appointed. (APPENDIX 1)
- Moore/George (Landscape Architects) in conjunction with A. J. Diamond (Architects and Planners) and C. C. Parker (Engineers) were appointed to carry out the study in April, 1986.
- After public participation and preparation of technical reports, a concept plan was presented to the public in July, 1987.
- A final report and recommendations were prepared in September, 1987 (APPENDIX 2 Summary)
- In October, 1987, the Beach Steering Committee recommended acceptance of the plan (APPENDIX 4) to the City of Hamilton and the Hamilton Region Conservation Authority, and in addition, recommended the continuation of the Beach Steering Committee. (APPENDIX 3, Item 7)
- The Hamilton Region Conservation Authority are considering the concept plan on November 5, 1987.

COMMENTS

- The concept plan recommends a mix of neighbourhood and recreational uses instead of the current policy of acquisition for parkland.
- Several initiatives need to be taken to implement the plan:
 1. provision of trunk sewers;
 2. preparation of a Neighbourhood Plan.
 3. Establishing financial arrangements for agencies which cost shared acquisition; i.e., the Province through the Conservation Authority and the City.
- A Beach Steering Committee is needed to oversee implementation. A further report will be prepared on the committee composition.
- A Neighbourhood Plan should be prepared by the City in accordance with the concept plan. Detailed land uses would be worked out, including the examination of the proposed acquisition areas not affected by flooding.
- It is appropriate for the City to accept the concept plan as recommended by the consultant and supported by the Beach Steering Committee.

HAMILTON BEACH STEERING COMMITTEE

Members

Alderman R. Wheeler	Chairperson (appointed by City of Hamilton)
Linda Marshall	Vice Chairperson (Beach resident appointed by the Beach Steering Committee)
Eric Brittain	(Beach resident appointed by the Beach Steering Committee)
Alderman D. Christopher son	(appointed by the City of Hamilton)
Alderman S. Collins	(appointed by the City of Hamilton)
Alderman G. Cops	(appointed by the Hamilton Region Conservation Authority)
Jane Ireland	(appointed by Ministry of Natural Resources
Councillor S. Napper	(appointed by the Region of Hamilton-Wentworth)
Councillor P. Richardson	(appointed by the Region of Hamilton Region Conservation Authority)
Gil Simmons	(Hamilton resident appointed by the Beach Steering Committee)
Al Stacey	(appointed by the Hamilton Region Conservation Authority)

Co-ordinators

Bob Chrystian	Hamilton Region Conservation Authority Staff
David Godley	Planning and Development Department staff

HAMILTON BEACH CONCEPT PLAN

Key Recommendations

1. COMMUNITY CONCEPT

That the Hamilton Beach community remain and that medium-density housing and infill low-density housing be introduced.

2. PARK CONCEPT

That a linear park be established on the lakeside with accesses from the interior of the neighbourhood and a green buffer zone be provided between the community and the Q.E.W.

3. ENGINEERING SERVICES

That mains sewers be provided.

4. NEIGHBOURHOOD PLAN

That a Neighbourhood Plan be prepared.

5. ACQUISITION

That all acquisition be on a willing seller/willing buyer basis.

MINUTES OF HAMILTON BEACH

STEERING COMMITTEE

TENTH MEETING

October 13, 1987, 9 a.m.

Room 233, City Hall

MEMBERS ATTENDING:

Alderman Reg Wheeler, Chairperson
Linda Marshall, Vice Chairperson
Alderman David Christopherson
Alderman Gerry Copps
Councillor Pat Richardson
Gil Simmons

ALSO ATTENDING:

Rick Moore, Moore/George
Bob Chrystian, HRCA
David Godley, Planning Dept.
Jane Coutts, Spectator

1. Alderman Wheeler complimented Rick Moore on the plan and on the way he had handled the study.
2. The minutes of June 29, 1987 were moved by Pat Richardson and seconded by Gil Simmons and adopted.
3. Bob Chrystian stated that the minutes of the public meeting gave the impression that flooding would be resolved by new sewers but that this was not the case.
4. Rick Moore highlighted the main points of the Hamilton Beach - Concept Plan dated September 28, 1987.
5. Members were concerned about acquisition of properties and stressed sales must be voluntary. It was felt affected owners should be kept informed and options explained including the possibility of relocating buildings. An idea that owners remain on after sale as tenants was put forward by Bob Chrystian. David Godley suggested the proposed long term acquisitions not affected by flooding should be labelled possible acquisition. Alderman Wheeler said that acquisitions on the lakeside should be reviewed further as part of the neighbourhood plan.

6. It was suggested that the Beach Steering Committee should be reformed to ensure the recommendations are followed through at least until a neighbourhood plan committee is struck.
7. It was moved by Pat Richardson, seconded by Linda Marshall and passed that:
 - a) the Hamilton Region Conservation Authority, the Planning and Development Committee for the City of Hamilton and the Ministry of Natural Resources accept the Hamilton Beach Concept Plan as prepared by Moore/George Associates Inc., September 1987.
 - b) the affected agencies consider their respective interests and responsibilities and undertake the necessary steps to facilitate implementation of the concept plan,
 - c) the affected agencies consider appointing representatives to serve on committee to be established to ensure plan implementation.

D.G.:nd

W.P. DOC. 0463P

FOR ACTION

E.

FROM: Planning and Development Department

DATE: October 7, 1987

TO: Planning and Development Committee

File No.: P5-2-105

Attention Of: V. J. Abraham

SUBJECT

Draft Official Plan Amendment No. 12.

Draft Zoning By-law 84-46

Normanhurst Neighbourhood

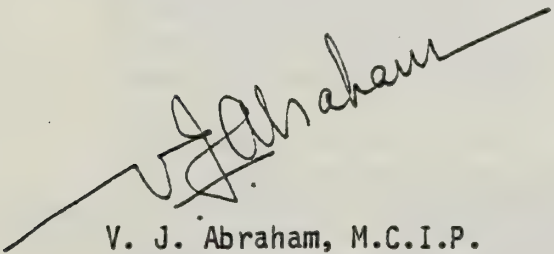
RECOMMENDATION

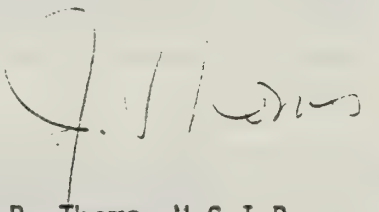
Although sound planning practice dictates that certain industrial uses should be prohibited near residential areas;

WHEREAS the results of the Ontario Municipal Board denied the Keith Buffer rezoning making such an approach inappropriate in the Normanhurst Neighbourhood;

AND WHEREAS the Business Land Use Advisory Board recommends that the Keith Buffer rezoning approach not be applied to the Normanhurst Neighbourhood and that the industrial properties revert to the original "K" (Heavy Industry, etc.) District;

NOW THEREFORE the original "K" (Heavy Industry, etc.) District should be reintroduced for the affected industrial properties in the Normanhurst Neighbourhood, as shown on Schedule A, and Section 1, 4 and 5 of By-Law 84-46 be rescinded.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The proposed Official Plan Amendment and the proposed zoning amendments implementing the Normanhurst Neighbourhood Plan were held in abeyance until the Cabinet decision was made on the Keith Buffer which is a similar proposal to Normanhurst industrial rezoning. Cabinet has now made the decision not to consider the appeal and, therefore, the O.M.B. decision denying the rezoning still stands. Although the Zoning By-law Amendment proposal dealt with a number of rezonings, only those amendments dealing with the industrial properties are subject to review.

The recommendations have been brought forward after a series of meetings with the Business Land Use Advisory Board which included discussions with representatives of the affected industries.

BACKGROUND

By-law 84-46 and Official Plan Amendment 12 implements the Normanhurst Neighbourhood Plan. The Zoning By-law provides for the rezoning of certain industrial properties from the "K" (Heavy Industry, etc.) District to "J" (Light and Heavy Industry, etc.) District. In addition, the By-law and Official Plan Amendment provide for other zoning and land use changes. These additional changes are not addressed in this study, rather, the study addresses only the industrial rezonings.

The following is a chronology of events leading up to the present:

- o City Council adopted a Neighbourhood Plan for Normanhurst on December 13, 1983, which included citizen participation (see Map 1).
- o On January 10, 1984 Council adopted Official Plan Amendment 12 (see Map 1 and Appendix 2) and By-law 84-46 (see Map 2 and Appendix 3) to implement the Neighbourhood Plan. The By-law proposed a change in zoning from "K" (Heavy Industry, etc.) District to "J" (Light and Limited Heavy Industry, etc.) District for properties owned by H. H. Robertson, Parkdale Auto Wrecking, Coca Cola and Union Gas. This zoning change eliminated 46 incompatible industrial uses from the subject area (see Normanhurst Industrial Rezoning Map in Appendix 7). Appendix 3 shows the uses eliminated.
- o An objection to the Official Plan Amendment was received from H. H. Robertson Inc., 441 Parkdale North. In addition, H. H. Robertson objected to the By-law 84-46 which rezoned those lands from "K" to "J". It should be noted that other objections to the Zoning By-law were submitted, however, these do not affect the industrial re-zoning and, therefore, are not relevant to this review.
- o On February 27, 1985 the Planning and Development Committee requested that the Ontario Municipal Board hold the Official Plan Amendment and Zoning By-law Amendment in abeyance until the outcome of the Keith Zoning Buffer hearing was resolved. The decisions on the Keith Zoning Buffer had bearing on the Normanhurst rezoning.

- o Council at its meeting of September 25, 1985 decided not to appeal the OMB decision for the Keith zoning buffer. The OMB decision denied the Keith rezoning and Official Plan Amendment (Appendix 4). See Appendix 5 for a response to the O.M.B. decision.
- o The North Central Community Association appealed the OMB decision to Cabinet. The Cabinet decided that this Association was not entitled to appeal the decision because it was not incorporated and therefore not a legal entity. As such, the OMB decision stood.
- o The Business Land Use Advisory Board first considered the matter on December 19, 1986 (Appendix 6). After considering various options (Appendix 7) they decided that the Keith approach should be applied to Normanhurst rather than the single "K" to "J" rezoning as proposed in By-law 84-46. In addition, the Board felt existing industries should be recognized as legal conforming uses. Accordingly, in order to implement this approach a new rezoning is required and a public meeting should be held.

The Board also wanted to meet with representatives from industry before the public meeting for the rezoning.

- o The Board met with representatives from all the affected industries on April 3, 1987 (Appendix 8). The industries opposed any additional rezoning or site plan restrictions, citing that the Ministry of Environment controls through the Environmental Protection Act were sufficient, as well as, citing the OMB decision which found the Keith approach unacceptable.
- o The Board met again on April 24, 1987 to discuss the matter (Appendix 9) and recommended that the proposed Zoning By-law affecting the industry be withdrawn and the "K" heavy industrial zoning be restored. The Board was concerned that based on the decision of the OMB regarding the Keith rezoning, it would be inappropriate to undertake a similar approach in the Normanhurst Neighbourhood. It was felt that the net effect of an OMB hearing would be that considerable time and money would be spent and that negative feelings would be created in the industrial community, with little or no chance of success.

The Keith Zoning Approach

The issue of allowing industry and residential uses to co-exist compatibly has been addressed primarily through the neighbourhood planning process over the past 15 years. It is recognized that certain types of industries may be suitable to locate nearby residential uses, while other industries would not be appropriate. The policies and zoning applied next to the Keith Neighbourhood has application in the Normanhurst situation. The Keith zoning approach offered a more effective solution than the simple "K" to "J" proposal originally used in the Normanhurst rezoning. Therefore, the Keith approval should be considered.

During the Keith rezoning process it was recognized that a simple rezoning from heavy industry to general industry was not the best approach. A detailed analysis of industrial uses and their compatibility with neighbourhood uses was conducted with input from the Ministry of Environment, The Occupational Health Program at McMaster University and the Fire Department. From this analysis the Keith Buffer proposal was devised (see Appendix 10).

In the Keith rezoning, the purpose was to remove 41 uses from the heavy industrial zone, thereby preventing the establishment of possible incompatible uses in the future. The intention of removing these uses was to ensure that residents are not subject to air pollution (including dust, particulates and odour), noise pollution (including noise and vibration), fire hazards and/or health hazards.

CONCLUSIONS

A number of options for action have been considered in the Normanhurst situation including the following:

1. Support the existing By-law 84-46. In this case the "K" District Zoning would be changed to "J" District for Coca Cola, Union Gas, H. H. Robertson and the Auto Wrecking Yard, affectively eliminating 46 industrial uses from the presently permitted 490 permitted uses.
2. Delete the proposed rezonings. In this use By-law 84-46 would be rescinded and the "K" District zoning would remain on the affected industrial lands.
3. Delete the proposed industrial rezoning from the H. H. Robertson lands. In this case, the "K" District zoning would remain on the H. H. Robertson property but the zoning of the other industrial properties would be rezoned "J" from "K". This would eliminate the objections from H. H. Robertson, the only official objector to the industrial rezonings, and result in only a minimal impact on surrounding residential areas since it is this industry located the furthest from housing in the Neighbourhood.
4. Apply the Keith Buffer Zoning Concept. In this case, the "K" District zoning would be modified to eliminate 41 industrial uses from the permitted 490 uses. Existing uses would be permitted on the specific site through permitting the generic use eg. H. H. Robertson would be zoned to permit "metal products manufacturing". Site plan control would also be applied to the industrial properties.
5. Modified Keith Buffer Zoning would be applied in this case. The "K" District zoning would be modified to eliminate 33 of the most problematic and exceptionally problematic industrial uses identified during the Keith rezoning process (see Appendix 11). Appropriate changes would be supported in an Official Plan Amendment.
6. A further modified Keith Buffer zoning approach could be applied. In this case only the 21 exceptionally problematic industrial uses would be eliminated from the "K" District zoning (see Appendix 11). Appropriate changes would be incorporated by an Official Plan Amendment.

The general approach used in the Keith rezoning, has been considered for Normanhurst in a number of the options (4, 5 and 6) to ensure that industry nearby residential areas does not adversely affect the safety, health and living conditions for residents. As discussed earlier, this approach is preferable to simple "K" to "J" rezoning outlined in option 1 and 3.

Since the Normanhurst Options 4, 5 and 6 are based on the Keith approach, the Keith OMB decision is of particular importance. The decision recognizes the planning principle involved in restricting industrial uses, stating:

" . . . it is perfectly clear to the Board from the evidence that there are certain industrial operations which should not take place within the proposed buffer, or for that matter, for a substantial distance beyond such a buffer. Amongst such uses would be a Coke Oven, a Garbage Dump, a Paper Mill, and other large industrial uses listed in the proposed by-law, and the Board has no doubt that the landowners would accept the prohibition by by-law of a few of such obvious categories of use."

However, the OMB did not accept the analysis used to determine the list of prohibited uses, stating that the restrictive uses were too "broad" and could include hundreds of different uses. The decision stated:

"Perhaps this (problem) could have been overcome by the proponents of the by-laws with more consideration given to the industrial uses involved, including their component uses, in light of modern industrial techniques."

As a result of the OMB's decision to turn down the Keith rezoning and Official Plan Amendment, it appears unlikely that approval will be granted for a proposed Normanhurst industrial rezoning, which is based on the Keith approach. Additional scientific analysis must be undertaken before specific industrial uses are restricted from the appropriate zoning district in order to satisfy the OMB.

The Business Land Use Advisory Committee originally favoured the Keith Zoning approach in the Normanhurst situation, rather than the simple "K" to "J" rezoning used in By-law 84-46. However, after reviewing the results of the OMB decision for the Keith rezonings, and meeting with representatives of the affected industries the Board recommended that the zoning for the industries affected revert to "K" (Heavy Industrial, etc.) District for the following reasons:

- 1) a rezoning from "K" to "J" is not appropriate since it would not eliminate all incompatible uses. In addition, some of the affected industries would become legal-non-conforming uses, resulting in limits for physical and product expansions;
- 2) without any additional scientific analysis, the OMB decision on the Keith rezoning makes it unlikely that the same approach will be successful in Normanhurst;
- 3) the time and cost involved in a lengthy Ontario Municipal Board hearing is not warranted in this case; and,
- 4) the proposal would cause negative feelings in the industrial community.

The Department shares these concerns. However, sound planning principles dictate that certain industries that are presently permitted are not appropriate or compatible with nearby residential uses. The OMB decision also alluded to this. Although both the "K" to "J" rezonings and Keith approach are not appropriate at this time in light of the concerns, consideration could

be given to other approaches which will assist in ensuring compatible development including:

- o additional Official Plan policies which provide protection to the safety, health and living conditions of residents near industries and implemented through appropriate actions;
- o additional scientific analysis of industries to determine appropriate and inappropriate industries, as well as distance requirements given new environmental technologies being applied to industries;
- o development of appropriate emergency planning measures to ensure residents' safety in the area; and,
- o establishment of appropriate buffers between residential and industrial areas, possibly mixed/use zones.

Based on the above comments, the proposed "J" District rezoning for the affected industries should be rescinded since it does not effectively ensure compatibility between industrial and residential uses in the Normanhurst Neighbourhood. In addition, the Keith rezoning approach should not be supported at this time since it is clear that much more detailed and scientific analysis of incompatible industries is required to satisfy the OMB.

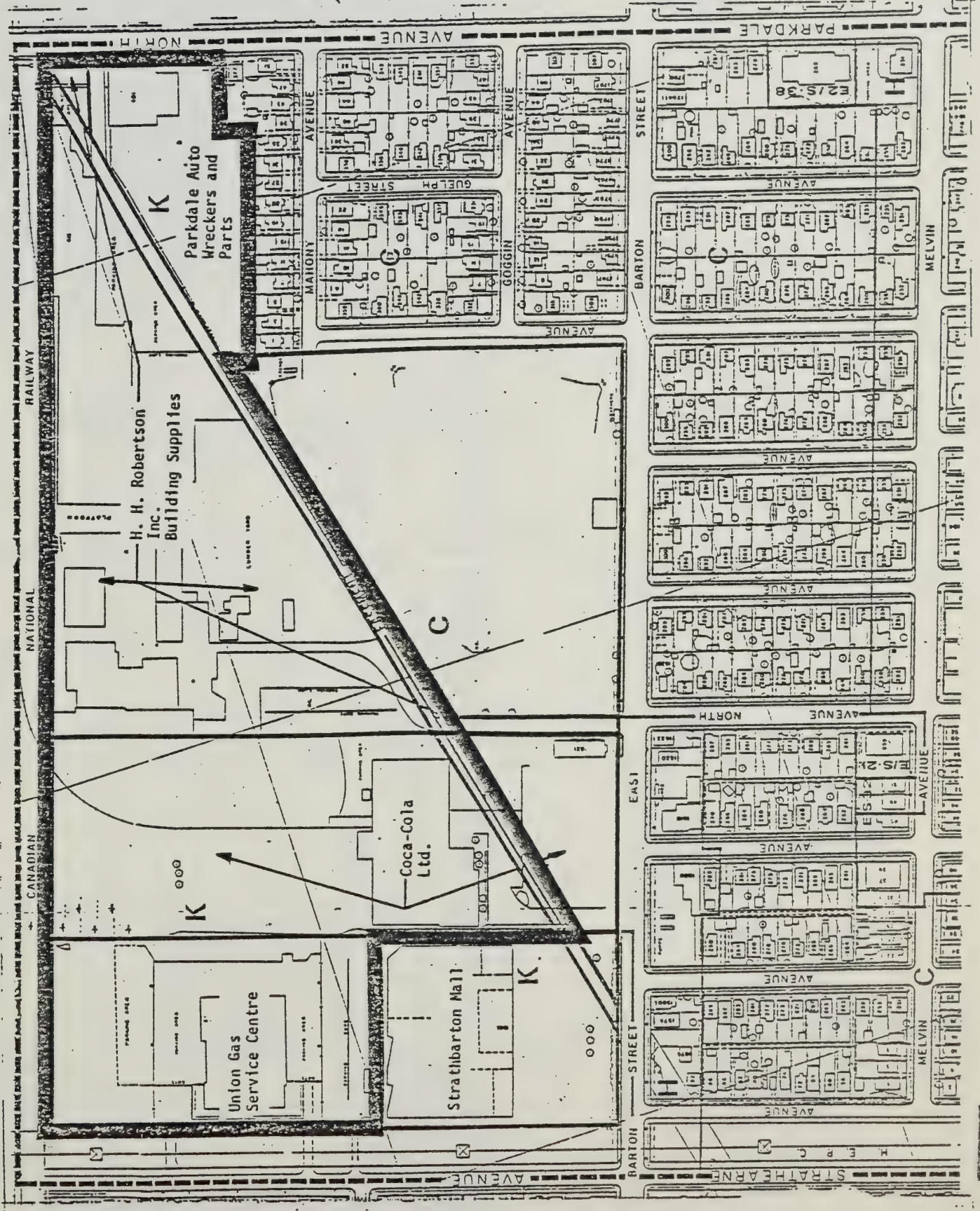
Therefore, the zoning for affected industries should revert to the original "K" zoning.

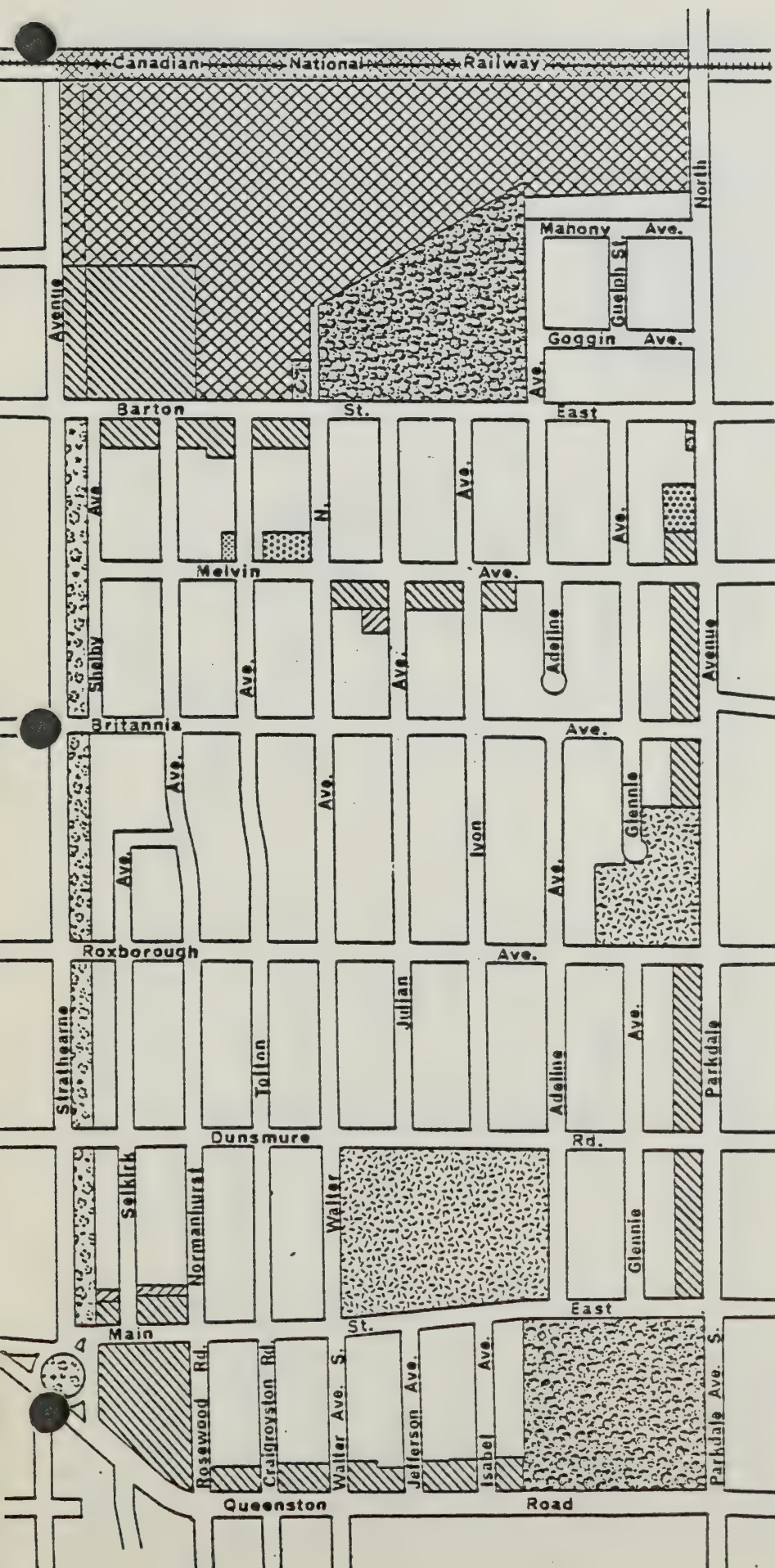
BJ/dkp

c.c. - Members of the Business Land Use Advisory Board

WP 0021P

NORMANHURST INDUSTRIAL REZONING















MAP 1

LAND USE

RESIDENTIAL

-  single & double
-  low density Apts.
-  medium density Apts.

-  COMMERCIAL
-  INDUSTRIAL (General)
-  CIVIC & INSTITUTIONAL
-  PARK & RECREATIONAL
-  OPEN SPACE
-  UTILITIES
-  COMMERCIAL PARKING

APPROVALS

PLANNING BOARD NOV. 9, 1983 COUNCIL DEC. 13, 1983

CITY OF HAMILTON NORMANHURST APPROVED PLAN



50 0 50 100

February, 1987

Planning and Development Department
Hamilton-Wentworth Region

Canadian National Railway

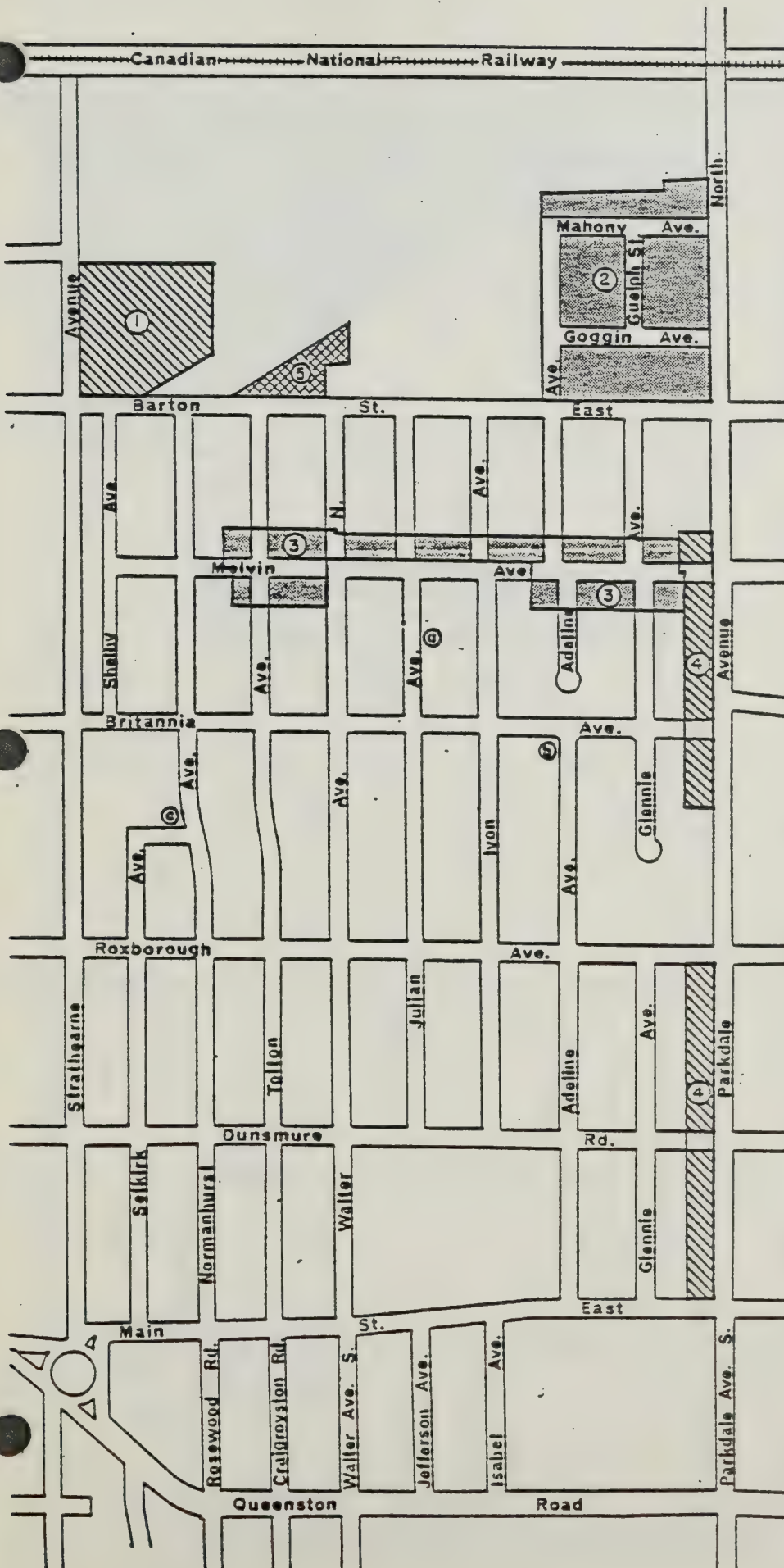
MAP 2

Official Plan Amendments

- ① From Industrial to Commercial
- ② From Industrial to Residential
- ③ From Commercial to Residential
- ④ From Residential to Commercial
- ⑤ From Open Space to Industrial

Objectors to the Official Plan Amendments

- Ⓐ J. Ferguson
- Ⓑ J. McBride
- Ⓒ R. Philips



CITY OF HAMILTON

NORMANHURST



30 0 50 100

February, 1987

Planning and Development Department
Hamilton-Wentworth Region

MAP 3

Rezoning

- ① From "K" to "J"
- ② From "K" to "G-1"
- ③ From "H" to "C"
- ④ From "H" to "G-3"
- ⑤ From "K" to "J" Modified

Objectors to Rezoning

- ⑥ J. Evans
(From "H" to "C")
- ⑦ J. Stoddart
(From "H" to "C")
- ⑧ J. Miletich
(From "H" to "C")
- ⑨ Mr. Desrochers
(From "H" to "C")
- ⑩ Thomsen, Pedersen, & Dawson
(From "H" to "C")
- ⑪ E. Nella
(From "H" to "C")
- ⑫ H.H. Robertson
(From "K" to "J")

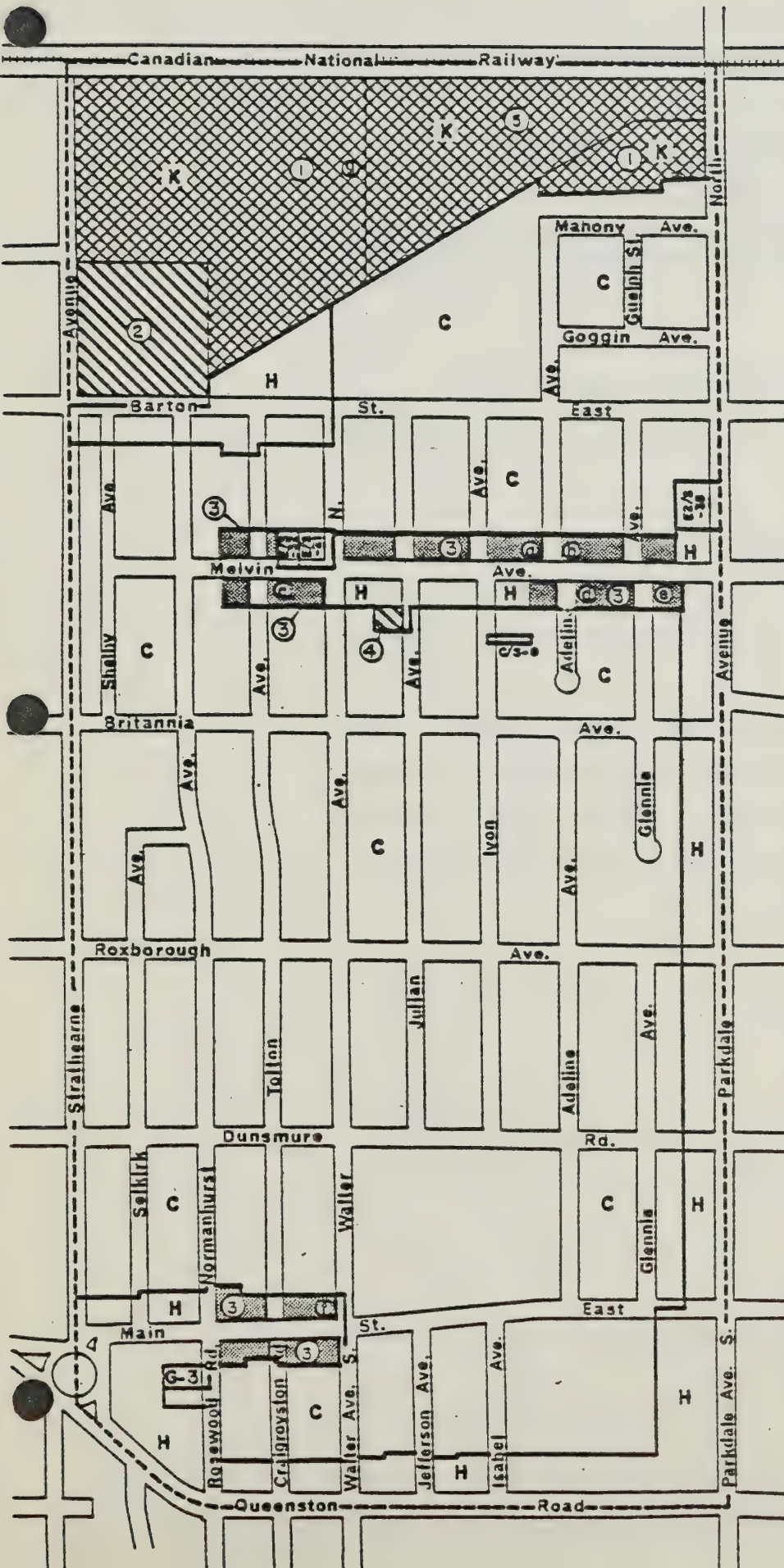
CITY OF HAMILTON
NORMANHURST



50 0 50 100

February, 1967

Planning and Development Department
Hamilton-Wentworth Region



The Corporation of the City of Hamilton

BY-LAW NO. 84-3

To Adopt:

Official Plan Amendment No. 12

Respecting:

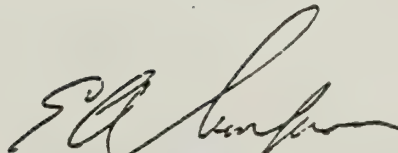
LAND LOCATED IN THE NORMANHURST NEIGHBOURHOOD, BOUNDED BY STRATHEARNE AVENUE, THE C.N.R. LINE, PARKDALE AVENUE SOUTH AND QUEENSTON ROAD

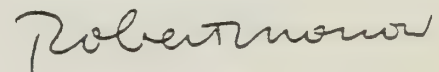
The Council of The Corporation of the City of Hamilton enacts as follows:

1. Amendment No. 12 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

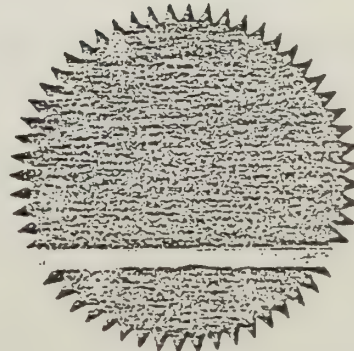
2. --It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED this Tenth day of January A.D. 1984.


City Clerk


Mayor

(1983) 24 R.P.D.C. 4, December 13



AMENDMENT NO. 12 TO THE
CITY OF HAMILTON OFFICIAL PLAN

PURPOSE

The purpose of the Amendment is to incorporate policy and schedule changes to the Official Plan, with the recently approved Normanhurst Neighbourhood Plan.

LOCATION

The lands affected by the Amendment are located in the Normanhurst Neighbourhood, which is bounded by Strathearn Ave., the CNR line, Parkdale Avenue South and Queenston Road.

BASIS

The Amendment reflects the Normanhurst Neighbourhood Plan, and provides a basis for the rezoning of certain lands within the Neighbourhood. The policy and schedule changes are based on reports and other documentation contained in the Appendices of this Amendment.

ACTUAL CHANGES

- i) Policy A.2.7.5 in Subsection A.2.7- Utility Uses will be amended to read as follows:
"Notwithstanding the permitted uses in Policy 2.7.1 above, additional uses may be permitted on Ontario Hydro lands and all other lands designated "UTILITIES" where deemed by Council to be compatible with adjacent land uses, by agreement of the land owner and subject to the preparation of a Neighbourhood Plan for the affected lands."
- ii) Schedule "A" of the Official Plan (Land Use Concept), as amended, will be further amended, as shown on the attached map being Schedule "A" of the Amendment. (See Map 3 for amendments).

IMPLEMENTATION

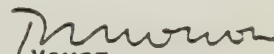
A restricted area by-law will give effect to the intended use of the subject lands.

Bill No. D-11

This is Schedule 1 to By-law No. 84- 3 , passed on the Tenth day of January , A.D. 1984.

THE CORPORATION OF THE CITY OF HAMILTON


City Clerk


Mayor

The Corporation of the City of Hamilton

BY-LAW NO. 84-46

To Amend:

Zoning By-law No. 6593

Respecting:

LAND LOCATED IN THE NORMANHURST NEIGHBOURHOOD

WHEREAS it is intended to change the zoning of the lands hereinafter referred to and to establish special requirements under section 19B of By-law No. 6593, passed on the 25th day of July, 1950 and approved by the Ontario Municipal Board by Order dated the 7th day of December, 1951, (File No. P.F.C. 3821);

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, proposed by the Council of The Corporation of the City of Hamilton, but not yet approved by the Minister under The Planning Act at the time of the passing of the by-law.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Sheets Nos. E-72 and E-73 of the District Maps, appended to and forming part of By-law No. 6593, are amended,

- (a) by changing from "K" (Heavy Industry, etc.) district to "J" (Light and Limited Heavy Industry, etc.) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A"; and

- (b) by changing from "K" (Heavy Industry, etc.) district to "J" (Light and Limited Heavy Industry, etc.) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A5".

2. Sheet No. E-73 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "K" (Heavy Industry, etc.) district to "G-1" (Designed Shopping Centre) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A1"; and

- (b) by changing from "H" (Community Shopping and Commercial, etc.) district to "G-3" (Public Parking Lots) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A2"; and

- (c) by changing from "H" (Community Shopping and Commercial, etc.) district to "C" (Urban Protected Residential, etc.) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A3".

3. Sheet No. E-74 of the District Maps, appended to and forming part of By-law No. 6593, is amended,

- (a) by changing from "H" (Community Shopping and Commercial, etc.) district to "C" (Urban Protected Residential, etc.) district, the land,

the extent and boundaries of which are shown on a plan hereto annexed as schedule "A4".

4. The "J" District provisions applicable to the land at No. 411 Parkdale Avenue North, the extent and boundaries of which are shown on schedule "A5" annexed hereto, are amended to the extent only of the special requirement that,

- (a) notwithstanding subsection 16(1) of By-law No. 6593, the existing use and any expansion of the existing use, shall be permitted.

5. In respect of the following lands, no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the following:

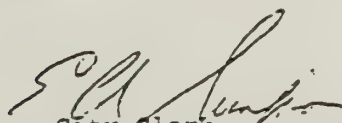
- (a) as to the land shown on schedule "A5", the "J" District provisions, subject to the special requirement referred to in section 4.

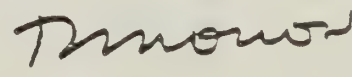
6. By-law No. 6593 is amended by adding this by-law to section 19B as "S-851".

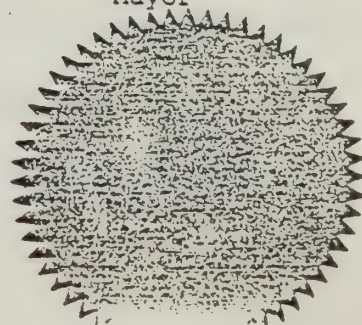
7. Sheets Nos. E-72 and E-73 of the District Maps are amended by marking the land referred to in section 4 of this by-law, "S-851".

8. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with The Planning Act, 1983.

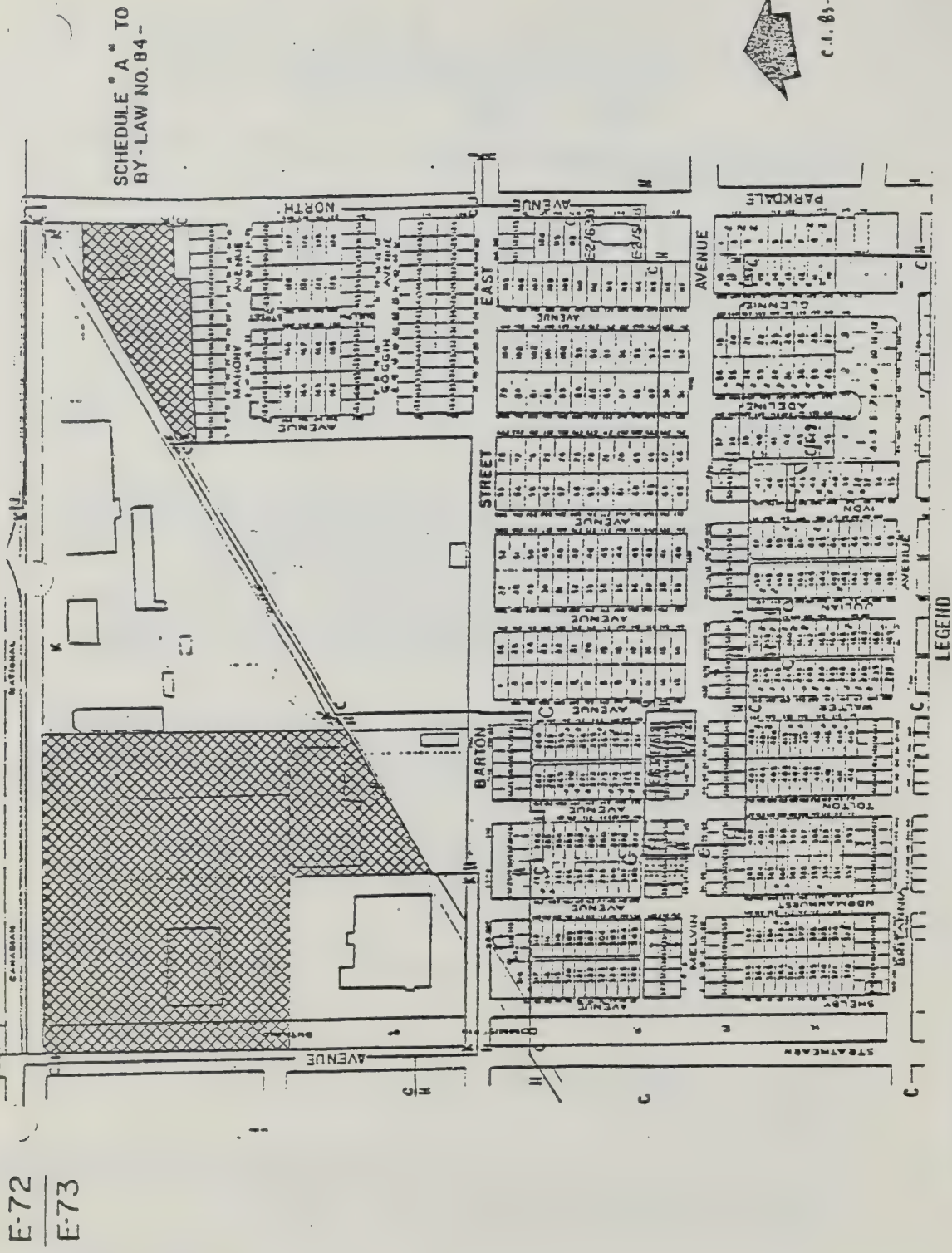
PASSED this 29th day of February A.D. 1984.


City Clerk


Mayor



C.I. 83-0



E-72
E-73

SCHEDULE "A" TO
BY-LAW NO. 84-

Bill No.

This is Schedule "A" to By-law No. 84-46 passed the 29th day of February, 1984

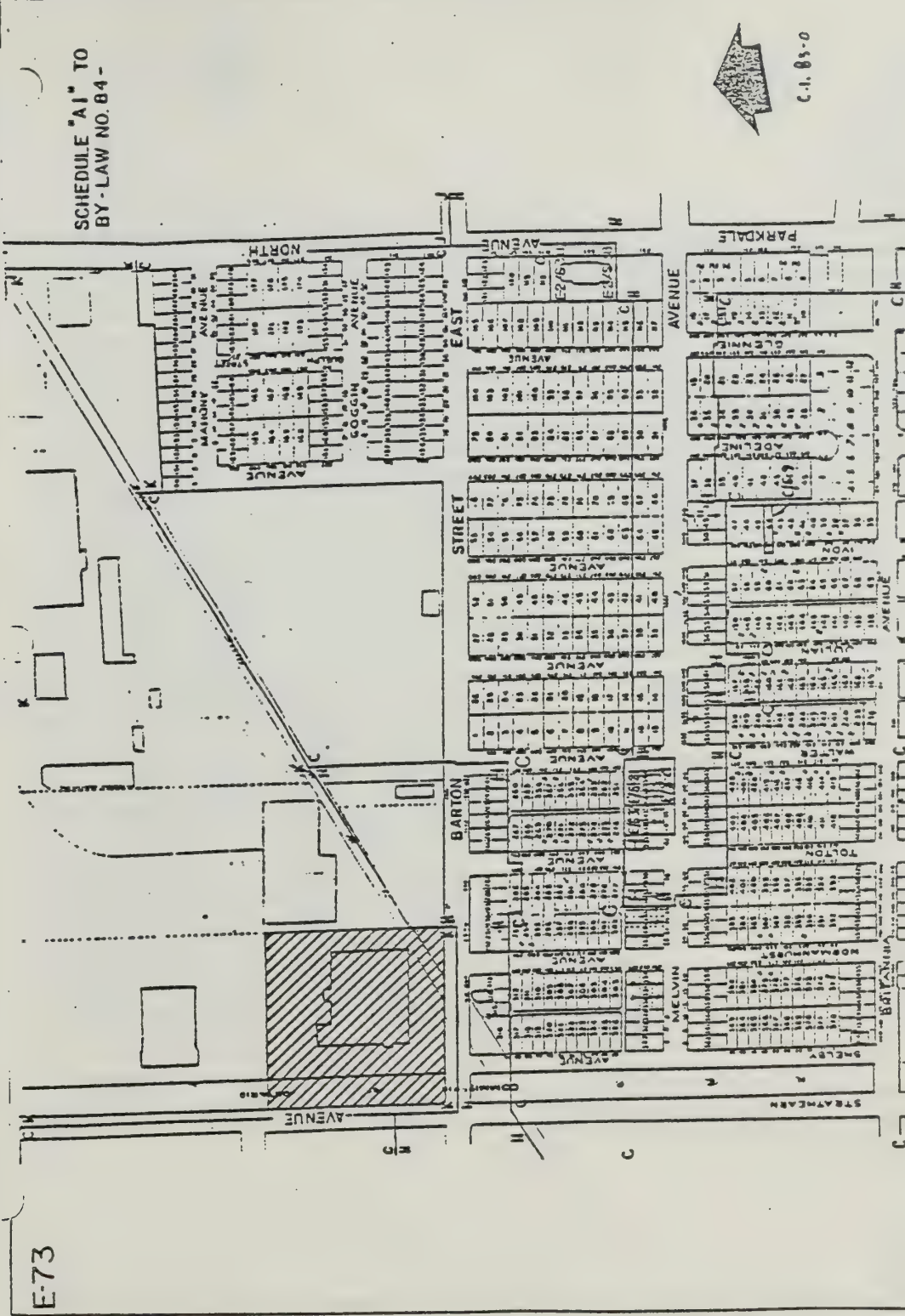
[Signature]
City Clerk

THE CORPORATION OF THE CITY OF HAMILTON

J-11

[Signature]
Mayor

Lands on part of Sheet No. E-72 and Sheet No. E-73 of the Zoning District Maps to be re-zoned from "K" (Heavy Industry, etc.) District to "J" (Light and Limited Heavy Industry, etc.) District.



LEGEND

Lands on Sheet No. E-73 of the Zoning District Maps to be re-zoned from "K" (Heavy Industry, etc.) District to "G-1" (Designed Shopping Centre) District.

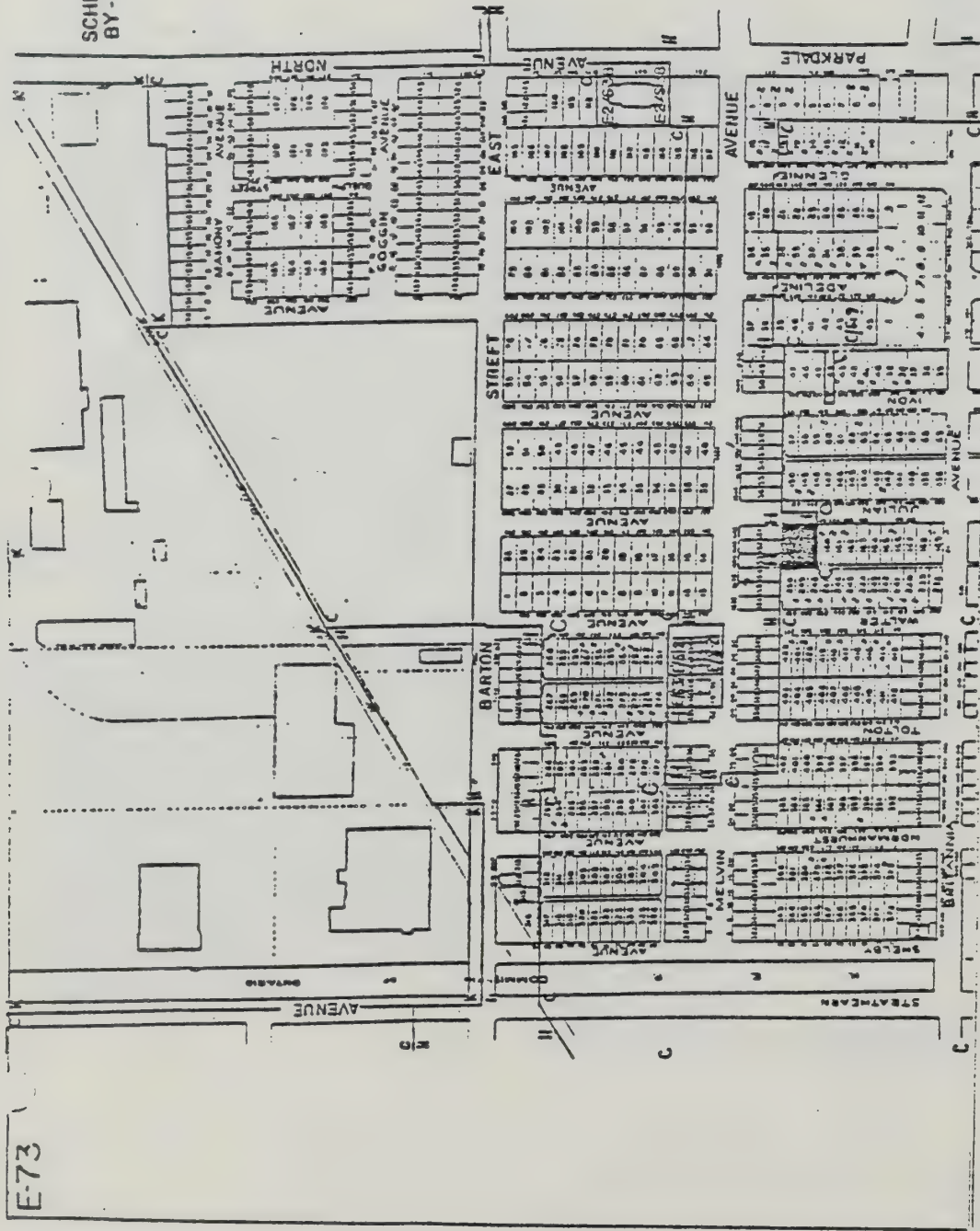
Bill No.

This is Schedule "A1" to By-law No. 84-46 passed the 29th day of February, 1984

[Signature]
City Clerk

THE CORPORATION OF THE CITY OF HAMILTON
[Signature]
Mayor

SCHEDULE "A2" TO
BY-LAW NO. 84-



C.I. 83-0

LEGEND

Lands on Sheet No. E-73 of the Zoning District Maps to be re-zoned from "I1" (Community Shopping and Commercial, etc.) District to "G-3" (Public Parking Lots) District.

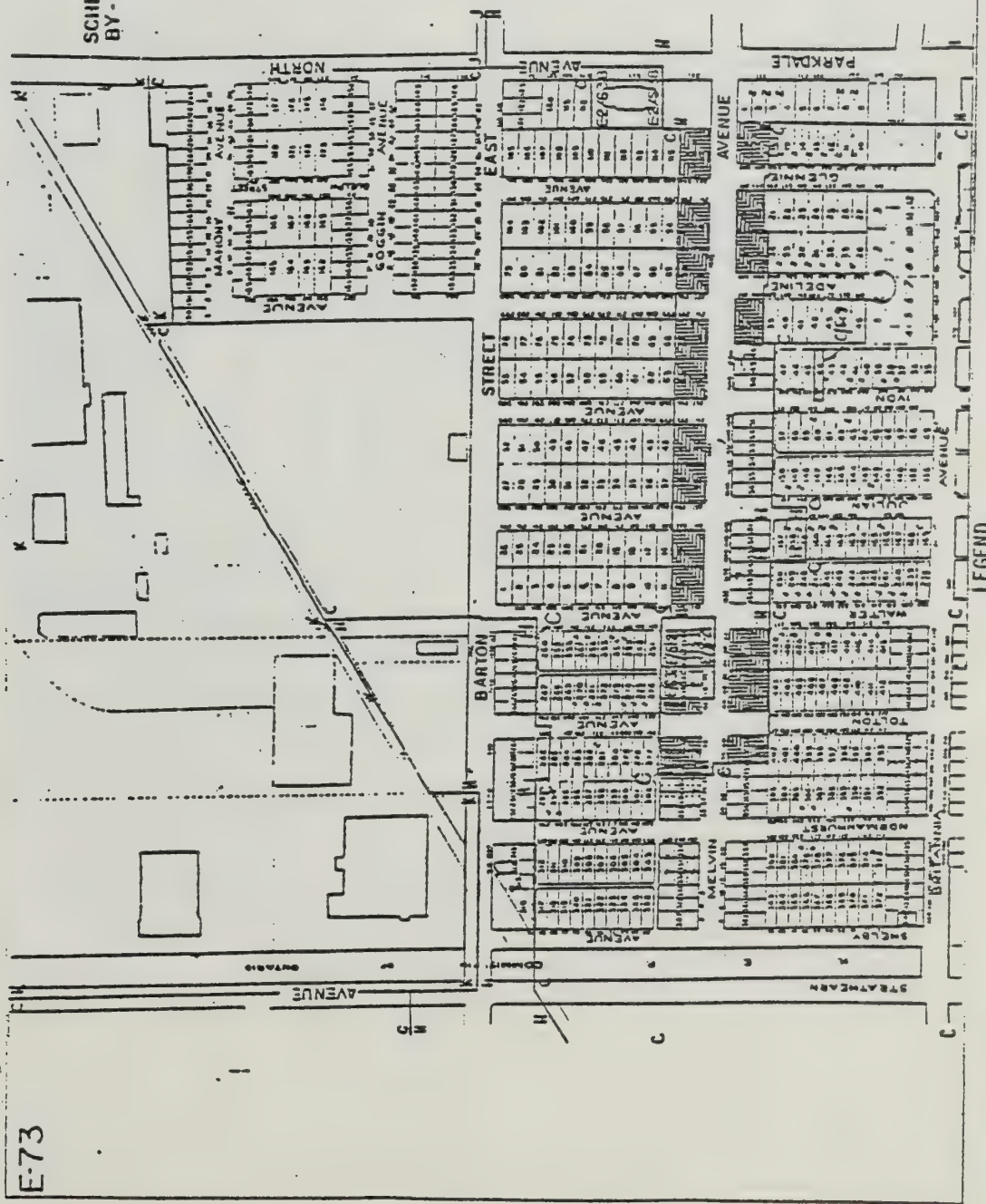
Bill No.

This is Schedule "A2" to By-law No. 84-46 passed the 29th day of February, 1984

[Signature]
City Clerk

THE CORPORATION OF THE CITY OF HAMILTON

[Signature]
Mayor



SCHEDULE "A3" TO
BY-LAW NO. 84-

Bill No.

This is Schedule "A3" to By-law No. 84-46 passed the 29th day of February, 1984

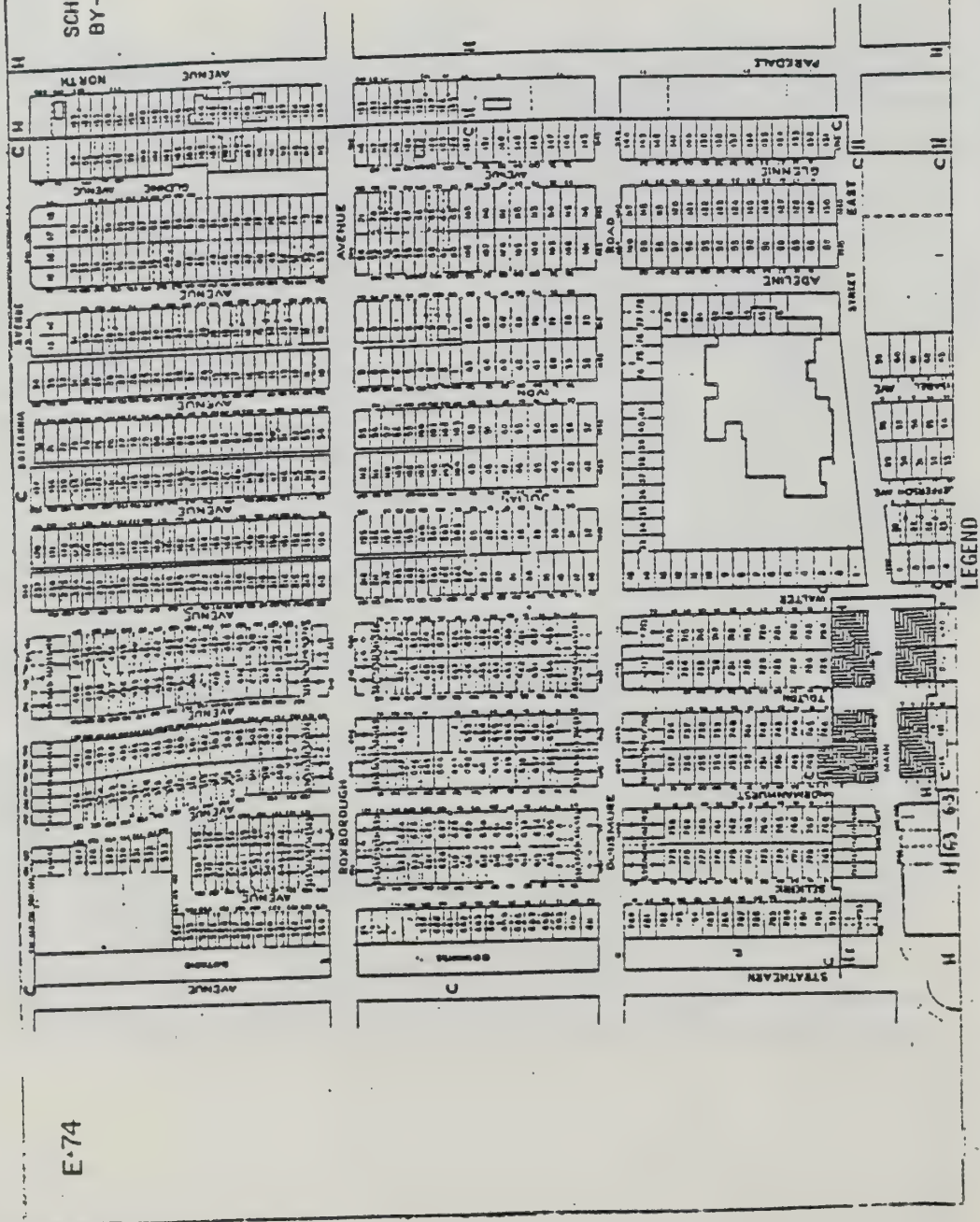
City Clerk
City Clerk

THE CORPORATION OF THE CITY OF HAMILTON

Mayor
Mayor

Lands on Sheet No. E-73 of the Zoning District Maps to be re-zoned from "II" (Community Shopping and Commercial, etc.) District to "C" (Urban Protected Residential, etc.) District.

E.74



Lands on Sheet No. E-74 of the Zoning District Maps to be re-zoned from "I1" (Community Shopping and Commercial, etc.) District to "C" (Urban Protected Residential, etc.) District.

This is Schedule "A4" to By-law No. 84-46 passed the 29th day of February, 1984

City Clerk

Mayor

62/25/84

C.I. 45.0

[illegible]

LEGEND

Lands on part of Sheet No. E-72 and Sheet No. E-73 of the Zoning District Maps to be re-zoned from "K" (Heavy Industry, etc.) District to "J" (Light and Limited Heavy Industry, etc.) District (Modified to Permit the Existing Use and Expansion Thereof)

This is Schedule "A5" to By-law No. 84-46 passed the 29th day of February, 1984

[Signature]
City Clerk

Primer
Mayor

46 USES ELIMINATED BY
ZONING CHANGE FROM "K" TO "J"

Acid Manufacture and storage
Acetyline Gas Manufacture and storage
Ammonia Manufacture and storage
Asphalt and Asphalt products
Manufacture
Celluloid Manufacture and storage
Cellulose Manufacture
Cement Manufacture
Cement Products Manufacture
Chlorine and Chlorine Bleaches Manufacture
Coke Oven
Corrosion of Aluminum, Copper, Iron, Tin, Lead or Zinc
Disinfectant Manufacture
Distillation Plant
Dressings Manufacture
Emery Cloth Manufacture
Fertilizer Manufacture
Firework Manufacture
Garbage Dump
Gas Plant
Glue Manufacture
Graphite Manufacture
Incinerator
Insecticide Manufacture
Lacquer Manufacture
Metal Products Manufacture
Metal Products Manufacture where Cutting, Shearing, Hammering,
Rolling, Acture Stamping or Grinding Operations take place
Metallic Sodium Manufacture
Nitrating Plant
Non-Ferrous Metals Manufacture and Corrosion
Paints and Varnish Manufacture
Petroleum and Petroleum Products Manufacture
Polishes Manufacture
Potash Manufacture
Primary Metals Plant
Potash Manufacture
Primary Metals Plant
Propane Gas Manufacture or Storage
Pyroxylin Manufacturer or Storage
Rayon Manufacture
Rock Crushing Plant
Salvage Yard
Sand Paper Manufacture
Sheet Mica Manufacture
Slaughter House and Stock Yard
Tallow Rendering Plant
Tannery
Tar and Tar Products Manufacture
Textile Factory

RECEIVED

JUN 7 1983

LEGAL DEPARTMENT
THE CORPORATION OF
THE CITY OF HAMILTON



Ontario

Ontario Municipal Board

APPENDIX 4

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IN THE MATTER OF Section 17(11) of The Planning Act, 1983

- and -

IN THE MATTER OF a reference to this Board by the Honourable Claude F. Bennett, Minister of Municipal Affairs and Housing on a request by Earl R. Cranfield on behalf of the Otis Elevator Company Limited and R. Denninger Limited for consideration of proposed Amendment Number 11 to the Official Plan for the City of Hamilton, Minister's File No. 25-OP-0058-011

- and -

IN THE MATTER OF Section 39 of The Planning Act (R.S.O. 1980, c. 379),

- and -

IN THE MATTER OF an application by the Corporation of the City of Hamilton for approval of its Restricted Area By-law 82-07 as amended by By-law 84-4

- and -

IN THE MATTER OF an application by the Corporation of the City of Hamilton for approval of its Restricted Area By-law 82-09 as amended by By-law 84-5

- and -

IN THE MATTER OF an application by the Corporation of the City of Hamilton for approval of its Restricted Area By-law 82-11 as amended by By-law 84-6

- and -

IN THE MATTER OF an application by the Corporation of the City of Hamilton for approval of its Restricted Area By-law 82-13 as amended by By-law 84-7

- and -

IN THE MATTER OF an application by the Corporation of the City of Hamilton for approval of its Restricted Area By-law 82-15 as amended by By-law 84-8

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and

IN THE MATTER OF an application by the
Corporation of the City of Hamilton for
approval of its Restricted Area By-law
82-17 as amended by By-law 84-9

C O U N S E L :

P.M. Eker	- for the City of Hamilton
J.R. Tidball	- for the Ministry of the Environment
J.T. Slinger and Fatima Mohideen	- for North Central Community School Association
A.I. Foreman, Q.C.	- for Sam's Auto Wrecking Co. Ltd.
A. Wellenreiter, Q.C.	- for R. Denninger Limited
E.R. Cranfield, Q.C.	- for Otis Elevator Company Limited

DECISION OF THE BOARD delivered by P.G. WILKES

In January 1983, this panel of the Board heard applications by the City of Hamilton for approval of its by-laws 82-7, 82-9, 82-11, 82-13, 82-15 and 82-17. These by-laws down zone about 23.5 acres of land by prohibiting some 35 categories of industrial use in the existing heavy industrial zone bordering the residential area of the Keith Neighbourhood. The expressed purpose of the by-laws is to afford some protection to the 1600 residents of the Keith Neighbourhood from 35 potentially incompatible categories of use which would otherwise be permitted on the nearby industrial lands. The industrial area in question is approximately 100 metres in width, affecting the lands of six industrial organizations lying to the north, west and east of the residential area, and the six by-laws are worded so as to permit the existing use to continue as a permitted use on the property of each of the six organizations.

In its decision of March 2, 1983, dealing with the merits of the applications, the Board found that the by-laws conformed with the Official Plan, but noted that:

".....it might have been helpful if a site specific Official Plan Amendment had been approved which set out specific policies that support the zoning by-laws."

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The Board also concluded that:

"the evaluation process used by the planner and the Ministry of the Environment representatives fails to justify the selection of the thirty-five uses in a number of instances."

and

".....more study is required to select properly the uses or components of uses that should be prohibited in these by-laws. In saying this, the Board has concluded that more emphasis should be given to the powers available to the Ministry of the Environment and to the municipality."

and

"....the Board has concluded from the evidence that the adverse effects on the industrial lands of the downzoning are not outweighed by the benefits to the residential community. The Board is, therefore, not satisfied with the by-laws in their present form. However, it is clear from the evidence that upon further consideration by the municipality it might well be appropriate to prohibit certain uses from the lands in question. The Board will, therefore, adjourn the hearing for a period of twelve months to give the municipality the opportunity of reconsidering the by-laws with more detailed consideration given to the industrial uses involved, including their component uses, in the light of modern industrial techniques and with due consideration to the powers available to the Ministry of the Environment and the municipality."

In response to this decision and after the Board's granting an extension in time, the hearing continued in June 1984. This time the Board was asked to consider the six by-laws dealt with in 1983, and in addition, to consider six amending by-laws and an Official Plan Amendment. The hearing was adjourned until September 1984 to give the municipality time to serve notice of the Official Plan Amendment. The hearing continued in September, and after two further interruptions because of time constraints, was completed at the end of February 1985.

At the continuation, the City, the Ministry of the Environment (MOE) and the North Central Community School Association, each of whom was represented by counsel, called witnesses in support of all of the applications. The City's evidence was given by a staff planner and by the Director of the Occupational Health Program at McMaster University. The MOE's witnesses were a senior environmental planner, the Hamilton District Officer and a senior project engineer with the noise abatement unit, all

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three of whom are on staff with the Ministry. The Community School Association called a number of nearby residents, a community school worker, the economic development commissioner of the City of Scarborough and a social planner. One unrepresented resident also gave evidence in support of the applications.

During the course of the hearing, all of the six companies directly affected by the applications were represented by counsel who called witnesses in opposition to all of the applications. These witnesses included representatives of the companies as well as representatives of other corporations who, although not directly affected by the subject application, expressed concern over the possibility of similar industrial down zoning in residential areas elsewhere in the municipality. In addition, the industries called the building commissioner, two representatives of the Chamber of Commerce, a land use planner, a real estate appraiser, an environmental planner, the Regional Director of Economic Development, a representative of the Hamilton Real Estate Board, a medical doctor with the family practice unit of the Hamilton General Hospital, a medical doctor with the faculty of medicine at McMaster, and one Keith neighbourhood resident, all of whom gave evidence which supports the industry's position in opposition to the applications.

The issues dealt with at the continuation were the same as those dealt with prior to the Board's decision of March 2, 1983. However, this time a different process had been used by the City's planner and the MOE in arriving at the selection of the prohibited categories set out in the by-laws as amended, and now numbering some forty-one categories of industrial use.

The earlier selection had been carried out by the planner and an MOE officer who, together, made evaluations of what they considered to be the impact on nearby residences of industrial uses permitted in Heavy Industrial zones based on the perception that these two individuals had of the

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contribution of each use to fire, air pollution, noise pollution and visual pollution. Those uses, which in their opinion, scored poorly on their evaluation sheet, became prohibited uses in the by-laws.

This time the planner submitted a list of 102 industrial categories of use to the MOE, the Hamilton Fire Department and the Director of the Occupational Health Program of McMaster asking them for comments and recommendations as to the compatibility of such uses with residential neighbourhoods. From the responses received, the planner prepared a recommendation, filed as Appendix 4, Tab 9, Exhibit 2, in which he listed 41 categories of use to be excluded from the "Keith Buffer Zone", and summarized why he recommends that each of the categories be excluded.

The response received from the Ministry of the Environment is based on investigations carried out by the Ministry, following the Board's decision of March 2, 1983. The MOE's Industrial Abatement and Approvals staff from across the province were requested to fill out a survey form, ten of which were sent to each district. Ministry of Environment staff were requested to select from as broad a range as possible of light, medium, heavy and ultra-heavy industrial uses with which they had first hand experiences. The results from 148 survey forms were summarized on three tables set out in Exhibit 16 and were further classified by other MOE staff into light, medium and heavy industrial uses. In most cases, the Abatement Officers included recommendations as to the separation distances that should be provided between industrial uses dealt with and nearby residential uses. The planner in preparing his list of 41 prohibited uses relied more heavily on the casebooks filed as Exhibits 16 and 16A than on any other information available to him. The difficulty the Board faces in accepting this procedure is as follows. First, none of the Ministry of the Environment staff who filled out the survey forms was present at the hearing to be questioned. Secondly, because of this, it is impossible to tell whether the distances recommended by the staff were assumed to be used for downzoning instead of a new "greenfield" situation, and whether or not the staff member

would adjust his recommendations in the light of the proposed 100 metre downzoning strip. Thirdly, it is also impossible to know whether or not the distances recommended were simply meant to lessen the work of the Ministry of the Environment in carrying out its duties under the Environmental Protection Act, in terms of providing certificates for new installations, and in monitoring, controlling and sometimes stopping, and/or fining existing operations in contravention of the Act. Fourthly, it is not likely that the staff who filled out the forms had been advised of the depth of 100 metres proposed for the downzoning. Otherwise, they would not have recommended distances of up to 1000 metres in many instances. There is no way of knowing whether or not the staff would support a 100 metre separation in the many instances in which they have recommended separation of many times that amount. It might well be their view that the smaller buffer would simply give a false sense of security, particularly where health hazards might be involved. Fifthly, there are a number of categories in which only one form was filled out dealing with one of the categories of industry. In other instances, there are merely two or three such filled out forms. The problem in such cases is that reliance has been placed entirely on the filled out form, and it is impossible to tell the degree of knowledge of the author with respect to the category of industry involved. It seems to be an unscientific process to prohibit an entire category of industry with all of its modern equipment and technique because of the opinion of one staff member with a knowledge of one industry of uncertain date and sophistication which he believes is representative of the category involved. Sixthly, it is not possible to tell from the forms whether in a given period of time there was one occurrence resulting in 50 complaints, or 50 occurrences resulting in 50 complaints, or any combination in between. Furthermore, there is no way of telling whether the complaint was serious, frivolous or any stage in between. It was not possible to probe further into these matters at the hearing because the staff members who filled out the survey forms were not available for cross-examination.

The Ministry of the Environment witnesses who were present at the

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hearing acknowledged that there were powers in the Environmental Protection Act to deal with hazardous uses, and the kind of annoying uses which would otherwise require substantial separations. They would look to the municipality for assistance in the passing of a municipal noise control by-law presently under preparation.

The real concern of the Ministry of the Environment, when it is all boiled down, is the difficulty of controlling what they refer to as fugitive emissions. These can come from exhaust fumes, open windows, open doors and other places which are almost impossible to control through the issuance of certificates or other powers under the Act. However, in dealing with this matter of fugitive emissions, the Ministry of the Environment admitted that there do not appear to be compelling reasons why the 41 prohibited uses would be worse offenders than the other industrial categories not prohibited by these by-laws.

In considering the Ministry's evidence leading towards the selection of the prohibited uses, the Board appreciates the amount of work done by the City and the Ministry of the Environment since the issuing of the earlier decision. However, there still remains the concern over whether or not the benefits gained by the proposed downzoning outweigh the adverse effects on the lands of the organizations involved.

In saying this, it is clear to the Board from the evidence that if there were no development of any kind in place and this were a "greenfield" situation, the Board might well agree to the kinds of buffering recommended in the case books, so as to avoid problems between residential land use and the operation of the industries involved, but even then there would be a substantial role for the Ministry of the Environment in protecting people working in heavy industry and in a light industrial buffer zone from any hazardous effects from industry's not permitted in such buffers.

However, this is not a "greenfield" situation. Instead, industrial and

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residential development grew up together, beginning at the turn of the century and they have for the most part existed side by side as good neighbours since that time.

Some years ago, the entire area, including the residential area of the Keith Neighbourhood, was zoned for industrial use even though the residences had been in existence for many years before such zoning was put in place. The evidence indicates that because of the non-conforming use status of the houses, the residents were facing difficulties in obtaining mortgage money and other forms of financing and as a result had requested a rezoning of their lands to a residential category. The surrounding industries, recognizing the benefits to their residential neighbours did not object to the by-law rezoning the residential properties for residential use, and the Board gave its approval to the by-law.

Subsequently, the City's planners prepared a neighbourhood plan, whose lack of status has already been dealt with in the 1983 decision of the Board, and based on this plan and the recommendations of the planning staff, the City passed the by-laws, downzoning the land in question.

In preparing the list of prohibited uses, the planner also relied on correspondence from the City's Chief Fire Prevention Officer, filed as Appendix 7 of Tab 9 of Exhibit 2. This official was not called as a witness, and the documentation following his letter simply noted that various industrial categories were "flammable" or involved "flammable materials" or were "corrosive" or "explosive". The Board does not find this evidence to be very helpful, and the planner admitted that he did not place as much reliance on it as he placed on the documentation of the Ministry of the Environment.

The planner also relied to a limited extent on the evidence of the representative of the Health Program at McMaster, filed as Appendix 8, Tab 9, Exhibit 2. This evidence is also too general to be of much help. The

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oral evidence given by the witness in support of this material indicated that no studies or investigations had been carried out to support the general conclusions reached. However, he believes that it is not sufficient to rely upon government authorities such as the Ministry of the Environment, even with the powers available under the legislation, since it is his belief that such authorities are never able to provide adequate monitoring and control in actual practice.

The Keith Neighbourhood residents themselves, in giving evidence in support of the application, expressed fears over safety, appearance, traffic, air pollution and the possibility of a decrease in the values of their properties. This evidence was substantially the same as that given at the earlier hearing, and was dealt with in the earlier decision of the Board. The greatest concern of the residents appeared to be the possibility of the expansion of or the repetition of an operation such as Sam's Auto Wrecking, which is located within the proposed 100 metre strip, and to an obnoxious smelling plant such as that presently in existence in a more restricted industrial zone outside the proposed buffer south of the residential area of the Keith Neighbourhood. As for Sam's, one of the residents expressed concerns over the appearance of Sam's property from a second storey window and others complained of a crushing noise heard from time to time. As to the obnoxious smelling plant to the south, there was no evidence to indicate that such an operation would be prohibited in the properties in question by the downzoning by-laws, since the operation was permitted on lands already zoned for restricted industrial use.

In dealing with all of this evidence in support of the by-laws, the Board must weigh such evidence against the adverse effects on the industries involved.

First, examples were given of industries such as Otis who might well be asked to submit quotations for the manufacture of items which are part of their business and which might require a process such as aluminum

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manufacturing which had been discontinued at the time of the passing of the by-law. In such cases, Otis would simply be unable to quote because of the time required to get an amending by-law in place or to discover whether or not they would be breaking the law by manufacturing aluminum on the basis of it being an accessory use. Similar problems were expressed by other companies who were concerned about the lack of flexibility in their operations that would result from the categories of prohibitions set out in the by-laws, and the Board accepts the seriousness of these concerns.

Secondly, the industries are concerned that there would be a depreciation in the value of their land and buildings if the industries were to attempt to sell, rent or lease all or part of their buildings, and the Board accepts the real estate evidence of the industries in this regard, although the actual losses would be difficult to estimate. In any event, the evidence shows that the by-laws would substantially reduce the numbers of companies who might be interested in operating their businesses in the downzoned strip, and that in itself would have an adverse effect on the existing landowners.

Thirdly, there is a very real fear in the business and industrial community in Hamilton that this will be the first of a number of attempts to use a process of downzoning strips of heavy industrial lands around pockets of existing residential development in the City, and the City's planning evidence did nothing to dispel such concerns. The industries are concerned that, not only would the future downzoned properties be adversely affected, but the downzoning process begun by the subject by-laws would be taken by the business community at large as a signal of discouragement of heavy industry in the Hamilton region with an accompanying erosion to the region's industrial base.

Fourthly, industries in the area are uneasy about the arbitrary nature of the proposed 100 metre buffer. The evidence indicates that a much wider strip was originally proposed, and was subsequently reduced to 100 metres so

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that the municipality would have to deal with only six objecting companies, not the twenty or thirty odd companies who would have been directly affected by the wider strip. The industries are concerned that, because of the arbitrary nature of the selection of the width of the strip, there might well be subsequent applications to increase its width leading to further adverse effects on industry in the area.

Fifthly, the broad categories used for the listing of prohibited uses actually encompass literally hundreds of industrial operations, many of which in the industry's view, could not possibly have a harmful effect on nearby residential use. For example, the manufacture of aspirin and other pharmaceuticals would probably be prohibited as falling within the category of "Chemical and Allied-Product Manufacture". Similarly, many very light industrial operations could be excluded as being Non-Ferrous Metal Manufacture and Corrosion. In the extreme, the process of producing distilled water might not be permitted as being in the prohibited category of a Distillation Plant. Perhaps this could have been overcome by the proponents of the by-laws reconsidering the first set of by-laws with more consideration given to the industrial uses involved, including their component uses, in the light of modern industrial techniques. However, there was no evidence to indicate that such investigations were carried out following the earlier decision of the Board.

The Official Plan Amendment, O.P.A. No. 11, adopted after that earlier decision, is not very helpful. It indicates that the purpose of the amendment is to establish a "zoning buffer" on the lands involved. It lists the same prohibited uses that are found in the zoning by-law, and like the by-laws permits the continuation of existing uses as permitted uses. It also sets out a new policy allowing amendments to be made to the by-law, without the need for a further official plan amendment, providing that such zoning amendments meet a number of tests. Official Plan Amendment No. 11 is silent on the rationale for the 100 metre width. It is also silent on the contributions of the Ministry of the Environment and others in this and

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perhaps other downzoning processes. There is no indication of whether or not the principle of downzonings of this kind has been accepted as the way in which Hamilton intends to deal with the interface of heavy industry and residential use. Instead, the Official Plan Amendment does little more than repeat the provisions set out in the by-laws, without providing the kinds of policies that normally form the basis for by-laws which have such far reaching effects.

In considering all of the evidence, the Board has not changed its conclusion set out in the earlier decision that the adverse effects of these by-laws on the industries substantially outweigh any benefit to the public interest. In short, the Board considers these by-laws to have a substantial adverse effect on the industries for the reasons set out above. The Board also finds the proposed downzoning of the 100 metre strip to be based on arbitrary judgments, for the most part, being incapable of fulfilling the purposes for which it was chosen, and in this situation contributing to a false sense of security about protection which should be the responsibility of the Ministry of the Environment and through other controls such as noise control by-laws available to the City.

In saying this, it is perfectly clear to the Board from the evidence that there are certain industrial operations which should not take place within the proposed buffer, or for that matter, for a substantial distance beyond such a buffer. Amongst such uses would be a Coke Oven, a Garbage Dump, a Paper Mill, and other large industrial uses listed in the proposed by-law, and the Board has no doubt that the landowners would accept the prohibition by by-law of a few of such obvious categories of use. Frankly, no one in his right mind would contemplate such uses on the lands in question.

There was insufficient evidence to allow the Board to pick and choose from amongst the 41 categories, and in any event, none of the parties asked the Board to do so, and the Board is content to rely on the good judgment of

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potential users as well as the availability of ample government controls rather than downzoning to prohibit uses which quite clearly would never take place.

As a result of the findings set out in the decision, the Board has concluded from the evidence that the Official Plan Amendment and the by-laws as written are not in accordance with good planning principles.

The Board will, therefore, refuse to give its approval to:

Official Plan Amendment No. 11.

By-law 82 07 as amended by By-law 84-4

By-law 82.09 as amended by By-law 84-5


By-law 82.11 as amended by By-law 84-6

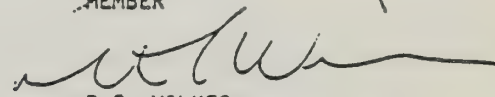
By-law 82.13 as amended by By-law 84-7

By-law 82.15 as amended by By-law 84-8

By-law 82.17 as amended by By-law 84-9

DATED at Toronto this 5th day of June 1985.


R.J.L. CHAPMAN
MEMBER


P.G. WILKES
MEMBER

Keith Response to OMB Decision

1. "None of the Ministry of the Environment staff who filled out the survey forms was present at the hearing to be questioned."

Response

True, but John Vogt, who supervised people who filled out forms and was able to comment on most types of industry himself, was present. There was a logistics problem in bringing the many staff to the hearing from all over the Province in a limited amount of hearing time.

2. "Secondly, because of this, it is impossible to tell whether the distances recommended by the staff were assumed to be used for downzoning instead of a new "greenfield" situation, and whether or not the staff member would adjust his recommendation in the light of the proposed 100 metre downzoning strip."

Response

Clearly they were supposed to be used in any situation. Otherwise the Ministry would not have been at the hearing supporting the bylaw and Official Plan amendments. The balancing factor is the impact on uses affected by the buffer.

3. "Thirdly, it is also impossible to know whether or not the distances recommended were simply meant to lessen the work of the Ministry of the Environment in carrying out its duties under the Environmental Protection Act, in terms of providing certificates for new installations and in monitoring, controlling and sometimes stopping, and/or fining existing operations in contravention of the Act."

Response

They would certainly lessen the work of the Ministry and clearly improve the quality of life.

4. "Fourthly, it is not likely that the staff who filled out the forms had been advised of the depth of 100 metres proposed for downzoning, otherwise it would not have recommended distances of up to 1000 metres in many instances."

Response

Clearly the Ministry are saying that the larger the separation distance the greater is the potential impact of a particular industry.

5. "There is no way of knowing whether or not staff would support a 100 metre separation in the many instances in which they have recommended separation of many times that amount. It might well be their view that the smaller buffer would simply give a false sense of security, particularly where health hazards might be involved."

Response

Clearly some distance is better than no distance especially where noise is concerned. Any sense of security seems to be better than no security.

6. "Fifthly, there are a number of categories in which only one form was filled out dealing with one of the categories of industry. In other instances there are merely two or three such forms filled out. The problem in such cases is that reliance has been placed entirely on the filled out form, and it is impossible to tell the degree of knowledge of the author with respect to the category of industry involved. It seems to be an unscientific process to prohibit an entire category of industry with all of its modern equipment and technique because of the opinion of one staff member with a knowledge of one industry of uncertain date and sophistication which he believes is representative of the category."

Response

This is the best evidence available and not refuted. Bylaws are the tools we use in planning and they specify use as the control. The Official Plan Amendment builds in safeguards for new production processes and allows them if they can be shown to be relatively compatible.

7. "Sixthly it is not possible to tell from the firms whether in a given period of time there was one occurrence resulting in 50 complaints, or 50 occurrences resulting in 50 complaints, or any combination in between. Furthermore, there is no way of telling whether the complaint was serious, frivolous or any stage in between."

Response

Complaints are a method of measurement but are not scientific. Yet complaints, based on a combination of intensity and frequency, are a good indication of the size of the problem.

8. "The Ministry 'would look to the municipality for assistance in the passing of a municipal noise control bylaw presently under preparation.'"

Response

Noise is far easier to control where the industries are not noisy. The proposed noise bylaw is only a partial answer to the noise problem since the Ministry guidelines are impractical in areas like Keith.

9. "The real concern of the Ministry of the Environment, when it is all boiled down, is the difficulty of controlling what they refer to as fugitive emissions. These can come from exhaust fumes, open windows, open doors and other places which are almost impossible to control through the issuance of certificates or other powers under the Act. However, in dealing with this matter of fugitive emissions, the Ministry of the Environment admitted that there do not appear to be compelling reasons why the 41 prohibited uses would be worse offenders than the other industrial categories not prohibited by these by-laws."

Response

There was evidence to suggest that the fugitive emissions of the 41 uses would have a greater impact than other industrial categories except those included for other than environmental reasons.

10. "In considering the Ministry's evidence leading towards the selection of the prohibited uses, the Board appreciates the amount of work done by the City and the Ministry of the Environment since the issuing of the earlier decision. However, there still remains the concern over whether or not the benefits gained by the proposed downzoning outweigh the adverse effects on the lands of the organizations involved."

Response

Agree.

11. "In saying this, it is clear to the Board from the evidence that if there were no development of any kind in place and this were a "greenfield" situation, the Board might well agree to the kinds of buffering recommended in the case books, so as to avoid problems between residential land use and the operation of the industries involved, but even then there would be a substantial role for the Ministry of the Environment in protecting people working in heavy industry and in a light industrial buffer zone from any hazardous effects from industry's (sic) not permitted in such buffers."

Response

It is difficult for the Board to conclude this if they do not accept any of the evidence.

12. "In preparing the list of prohibited uses, the planner also relied on correspondence from the City's Chief Fire Prevention Officer, filed as Appendix 7 of Tab 9 of Exhibit 2. This official was not called as a witness, and the documentation following his letter simply noted that various industrial categories were 'flammable' or involved 'flammable materials' or were 'corrosive' or 'explosive'. The Board does not find this evidence to be very helpful, and the planner admitted that he did not place as much reliance on it as he placed on the documentation of the Ministry of the Environment."

Response

This is a good example of the legalistic approach. The Board does not seem to accept the undisputed written word of a fire officer who says a firework factory could cause danger from explosion.

13. "The planner also relied to a limited extent on the evidence of the representative of the Health Program at McMaster, filed as Appendix 8, Tab 9 of Exhibit 2. This evidence is also too general to be of much help. The oral evidence given by the witness in support of this material indicated that no studies or investigations had been carried out to support the general conclusions reached. However, he believes that it is not sufficient to rely upon government authorities such as the Ministry of the Environment, even with the powers available under the legislation, since it is his belief that such authorities are never able to provide adequate monitoring and control in actual practice."

Response

The witness said that there was conclusive evidence about a limited number of uses being health hazards. These were excluded.

14. "The Keith Neighbourhood residents themselves, in giving evidence in support of the application, expressed fears over safety, appearance, traffic, air pollution and the possibility of a decrease in the values of their properties. This evidence was substantially the same as that given at the earlier hearing, and was dealt with in the earlier decision of the Board. The greatest concern of the residents appeared to be the possibility of the expansion of or the repetition of an operation such as Sam's Auto Wrecking, which is located within the proposed 100 metre strip, and to an obnoxious smelling plant such as that presently in existence in a more restricted industrial zone outside the proposed buffer south of the residential area of the Keith Neighbourhood. As for Sam's, one of the residents

expressed concerns over the appearance of Sam's property from a second storey window and others complained of a crushing noise heard from time to time. As to the obnoxious smelling plant to the south, there was no evidence to indicate that such an operation would be prohibited in the properties in question by downzoning by-laws, since the operation was permitted on lands already zoned for restricted industrial use."

Response

New evidence was brought forward on the regeneration of the neighbourhood and consequently future values of residential property. Although Sam's would be a permitted use, Sam's brother with a crusher, (which would not be a permitted use) would be an infinitely worse neighbour. It is hard to believe that the Board did not discover that Curry products manufactures tar products and such a use would not be permitted in the buffer.

15. "In dealing with all of this evidence in support of the by-laws, the Board must weigh such evidence against the adverse effects on the Industries involved.

"First, examples were given of industries such as Otis who might well be asked to submit quotations for the manufacture of items which are part of their business and which might require a process such as aluminum manufacturing which had been discontinued at the time of the passing of the by-law. In such cases, Otis would simply be unable to quote because of the time required to get an amending by-law in place or to discover whether or not they would be breaking the law by manufacturing aluminum on the basis of it being an accessory use. Similar problems were expressed by other companies who were concerned about the lack of flexibility in their operations that would result from the categories of prohibitions set out in the by-laws, and the Board accepts the seriousness of these concerns."

Response

This concern was expressed by Otis as a new piece of evidence at the hearing. However, this does not seem to be an overriding concern since the situation exists all over the City and does not seem to cause problems.

16. "Secondly, the industries are concerned that there would be a depreciation in the value of their land and buildings if the industries were to attempt to sell, rent or lease all or part of their buildings, and the Board accepts the real estate evidence of the industries in this regard, although the actual losses would be difficult to estimate. In any event, the evidence shows that the by-laws would substantially reduce the numbers of companies who might be interested in operating their businesses in the downzoned strip, and that in itself would have an adverse effect on the existing landowners."

Response

The number of uses interested in the affected sites, if sold, would be decreased but several hundred other uses would be permitted. It is the older type of industries which are being prohibited and there is a very limited demand from this type of industry. New industries springing up are mostly light industries. Donald Cole, the Director of Economic Development, suggested Otis would make a good location for a light industrial park.

17. "Thirdly, there is a very real fear in the business and industrial community in Hamilton that this will be the first of a number of attempts to use a process of downzoning strips of heavy industrial lands around pockets of existing residential development in the City, and the City's planning evidence did nothing to dispel such concerns. The industries are concerned that, not only would the future downzoned properties be adversely affected, but the downzoning process begun by the subject by-laws would be taken by the business community at large as a signal of discouragement of heavy industry in the Hamilton region with an accompanying erosion to the region's industrial base."

Response

Certainly industry is concerned about this point. However if the issue is analysed there is little validity to the argument. John Morand, the ex Director of Economic Development did not see the erosion of the industrial base or a signal of discouragement to heavy industry as a problem with the buffer.

18. "Fourthly, industries in the area are uneasy about the arbitrary nature of the proposed 100 metre buffer. The evidence indicates that a much wider strip was originally proposed, and was subsequently reduced to 100 metres so that the municipality would have to deal with only six objecting companies, not the twenty or thirty odd companies who would have been directly affected by the wider strip. The industries are concerned that, because of the arbitrary nature of the selection of the width of the strip, there might well be subsequent applications to increase its width leading to further adverse affects on industry in the area."

Response

The arbitrary nature of the buffer comes about by the different factors and attitudes in a particular case. In the Keith case property lines, noise diminution, air quality improvement and area of land impacted were taken into account along with the attitude of affected landowner. If the Keith model were to be adopted there would be more certainty for industry.

19. "Fifthly, the broad categories used for the listing of prohibited uses actually encompass literally hundreds of industrial operations, many of which in the industry's view, could not possibly (sic) have a harmful effect on nearby residential use. For example, the manufacture of aspirin and other pharmaceuticals would probably be prohibited as falling within the category of "Chemical and Allied Product Manufacture". Similarly, many very light industrial operations could be excluded as being Non-Ferrous Metal Manufacture and Corrosion. In the extreme, the process of producing distilled water might not be permitted as being in the prohibited category of a distillation Plant. Perhaps this could have been overcome by the proponents of the by-laws reconsidering the first set of by-laws with more consideration given to the industrial uses involved, including their component uses, in the light of modern industrial techniques. However, there was no evidence to indicate that such investigations were carried out following the earlier decision of the Board."

Response

It is true that the broad categories of prohibited uses listed encompass a great many other industries. Many of these sub groups of industries may be relatively compatible with residential. However we are dealing with an existing by-law. The Official Plan Amendment specifically allows for compatible sub groups of industries to be introduced without an Official Plan Amendment. It is unrealistic to evaluate the sub groups within a year because they run into the thousands.

20. "The Official Plan Amendment, O.P.A. No. 11, adopted after that earlier decision, is not very helpful. It indicates that the purpose of the amendment is to establish a "zoning buffer" on the lands involved. It lists the same prohibited uses that are found in the zoning by-law, and like the by-laws permits the continuation of existing uses as permitted uses. It also sets out a new policy allowing amendments to be made to the by-law, without the need for a further official plan amendment, providing that such zoning amendments meet a number of tests. Official Plan Amendment No. 11 is silent on the rationale for the 100 metre width. It is also silent on the contributions of the Ministry of the Environment and others in this and perhaps

other downzoning processes. There is no indication of whether or not the principle of downzonings of this kind has been accepted as the way in which Hamilton intends to deal with the interface of heavy industry and residential use. Instead, the Official Plan Amendment does little more than repeat the provisions set out in the by-laws, without providing the kinds of policies that normally form the basis for by-laws which have such far reaching effects."

Response

The Official Plan Amendment is site specific following a suggestion by the O.M.B. in their last written decision. The general policies on industry are found in the Official Plan itself. The 100 metres is established by the Official Plan amendment and evidence was given as to why the distance was appropriate e.g. property lines, noise attenuation, air quality improvement, area of land affected and attitudes of land owners. The key provision of the Official Plan is to allow zoning changes for relatively compatible uses without the need for an Official Plan Amendment.

21. "In considering all of the evidence, the Board has not changed its conclusion set out in the earlier decision that the adverse effects of these by-laws on the industries substantially outweigh any benefit to the public interest. In short, the Board considers these by-laws to have a substantial adverse effect on the industries for the reasons set out above. The Board also finds the proposed downzoning of the 100 metre strip to be based on arbitrary judgements, for the most part, being incapable of fulfilling the purposes for which it was chosen, and in this situation contributing to a false sense of security about protection which should be the responsibility of the Ministry of Environment and through other controls such as noise control by-laws available to the City."

Response

This is a value judgement which does not appear to relate well to the evidence presented at the hearing.

22. "In saying this, it is perfectly clear to the Board from the evidence that there are certain industrial operations which should not take place within the proposed buffer, or for that matter, for a substantial distance beyond such a buffer. Amongst such uses would be a Coke Oven, a Garbage Dump, a Paper Mill, and other large industrial uses listed in the proposed by-law, and the Board has no doubt that the landowners would accept the prohibition by by-law of a few of such obvious categories of use. Frankly, no one in his right mind would contemplate such uses on the lands in question."

Response

It is interesting that the Board feels that certain uses should be prohibited. However it is inconsistent with their conclusion. It is also unlikely that industry would be prepared to accept prohibition of such industry however unlikely it would be to occur. It might also be suggested in answer to the last sentence that not everyone is in their right mind according to O.M.B. standards.

23. "There was insufficient evidence to allow the Board to pick and choose from amongst the 41 categories, and in any event, none of the parties asked the Board to do so, and the Board is content to rely on the good judgement of potential users as well as the availability of ample government controls rather than downzoning to prohibit uses which quite clearly would never take place."

Response

The Board is unlikely to get more detailed evidence on set backs. The most thorough and sophisticated analysis that has ever been presented to the Board was there before them. There have been at least 100 industries in Hamilton downzoned in a similar way with little hard evidence. The Junction Triangle downzoning in Toronto which was similar in size and context was carried through on blind faith despite objections.

June 1985

DG/sdj
wp 0580P

CITY OF HAMILTON

BUSINESS LAND USE ADVISORY BOARD

DECEMBER 19, 1986

9:30 a.m.

ATTENDING

MEMBERS

Alderman John Smith	- Chairman, City of Hamilton Planning & Development Committee
Don Fraser	- Vice President, Hamilton & District Labour Council
Jim Thoms	- Commissioner of Planning & Development, Hamilton-Wentworth Region
Chuck Towsley	- Hamilton Harbour Commissioner - appointed by the Chamber of Commerce
Doug McCaw	- McCaw Hall Inc. - representing the Chamber of Commerce
Patrick Dillion	- Hamilton-Brantford, Ontario Building & Construction Trades Council

Absent

Ben Ciprietti	- Dofasco - appointed by the Chamber of Commerce
John Vogt	- District Officer, Ministry of Environment

STAFF/GUESTS

Victor Abraham - Director of Local Planning, Hamilton-Wentworth Region
Alex Georgieff - Division Head, Policy & Neighbourhood Planning, Hamilton-Wentworth Region
David Godley - Manager, Neighbourhoods Section, Hamilton-Wentworth Region
Wayne Jackson - Ministry of Environment
Dan Vyce - Director of Real Estate, City of Hamilton
Mike Watson - Assistant to the Director, Real Estate Dept., City of Hamilton
John Robinson - Co-ordinator, Housing Loans, Community Development Dept., City of Hamilton

1. The Chairman called for the confirmation of the Minutes of the Board meeting of November 14, 1986. John Robinson requested that item #4 of the minutes be revised to indicate:

- the City can apply every year to participate in the PRIDE program;
- the City will allocate \$1 1/2 million in its budget for 1987; and,
- the recommendation to Council is scheduled to be dealt with in January.

- 2 -

Doug McCaw moved and Chuck Towsley seconded a motion to confirm the minutes, as amended.

Carried.

2. David Godley, Manager of the Neighbourhood Section gave the Board a presentation on the industrial rezoning proposals of the Normanhurst Neighbourhood Plan. He highlighted:

- the Normanhurst Neighbourhood planning process;
- the implications of the Keith Zoning Buffer OMB decision; and,
- the five rezoning options, being explored by the Department for the affected industrial lands.

Discussion ensued on the following items:

- a clarification on H.H. Robertson's legal non-conforming status of the property was to be rezoned to "J";
- the appropriateness of excluding all Metal Products Manufacturing where cutting, shearing etc. and Chemical and Allied Products Manufacturing from (Appendix 2) the list of incompatible industry for Option 5. Concerns was raised that exclusion of these uses could eliminate small-scale metal producers and pharmaceutical productions whose operation may have negligible impact on the surroundings in terms of noise, vibration, dust and related environmental concerns;
- a confirmation was given on the technical analysis undertaken to derive the list of 41 incompatible industries for Option 5 and the approach used for the Keith Zoning Buffer; and,
- the release of the provincial policy statement on industrial uses and environmental concerns was determined to be as yet not scheduled for public review.

After much discussion, it was moved by Doug McCaw and seconded By Don Fraser that:

- i) Option #5 as modified to permit the existing uses on the four industrial properties as legal conforming uses (i.e. permitting H.H. Robertson "Metal Products Manufacturing"), be recommended to Planning and Development Committee as the most appropriate approach for the industrial rezonings in the Normanhurst Neighbourhood; and,
 - ii) that prior to the required public meeting for this rezoning approach, the Department together with the Business Land Use Advisory Board, meet with the principals of the four affected industrial uses.
- Carried.

3. The discussion with the Real Estate Department in the "Sale of City - Owned Lands Zoned M-12", was tabled until the next meeting of the Board.
4. The presentation by John Sakala on "Site Plan Control", was tabled until the next meeting of the Board.
5. Alex Georgieff, Division Head of Policy and Neighbourhood Planning advised members that Board's report on the motel/restaurant/retail proposal (CI-86-N) for the southwest corner of the Q.E.W. and Centennial Parkway was presented to the Planning and Development Committee on December 10, 1986.
6. Other business included:
 - a request for a staff presentation on the industrial policies in the Central Area Plan Update for the next meeting of the Board.
7. The next meeting of the Board is scheduled for Friday, January 23, 1987 at 9:30 a.m.
8. The meeting was adjourned at 10:55 a.m.

ACTION ITEMS

Item 2

- (a) The Planning and Development Committee be advised that the Board recommends Option #5, as modified to permit the existing industrial uses, as the most appropriate approach for the Normanhurst industrial rezonings.
- (b) The Board together with staff meet with the four affected industrial uses prior to convening the required public meeting.



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ontario L8N 3T4

November 4, 1986

Refer to File No. P5-2-69
Attention of
Your File No.

MEMORANDUM

TO: Caroline Floroff
FROM: David Godley
RE: Normanhurst Neighbourhood Rezoning

The Business Land Use Advisory Board asked for input into the report to be presented to the Planning and Development Committee for their meeting on November 14, 1986.

I attach a map showing the subject area with the proposed changes in zoning and the companies affected. The following options are available to the City to deal with By-law 84-46.

1) SUPPORT EXISTING BY-LAW

Zoning - 'K' heavy industry zoning would be changed to 'J' general industry for Coca Cola, Union Gas, HH Robertson and Auto Wrecking Yard. 46 industrial uses would be eliminated from 490 permitted uses (see Appendix 1)

Public Meeting - No public meeting required.

2) DELETE INDUSTRIAL REZONINGS

Zoning - 'K' heavy industrial zoning would remain on Coca Cola, Union Gas, HH Robertson and Auto Wreckers Yard

Public Meeting - A public meeting would be required

.../2

3) DELETE INDUSTRIAL REZONING FROM HH ROBERTSON

Zoning - 'K' heavy industrial zoning would remain for HH Robertson but the zoning for other industries would be changed from 'K' heavy industry to 'J' general industry

Public Meeting - A public meeting would be required

Rationale - HH Robertson were the only official objectors to the industrial rezoning. The HH Robertson site is further away from housing than other industries

4) APPLY KEITH ZONING BUFFER CONCEPT

Zoning - 'K' heavy industrial zoning would be modified to eliminate 41 industrial uses out of 490 uses. The generic use would be permitted on a site specific basis eg. HH Robertson would be zoned to permit 'metal products manufacturing'. Site plan control would be applied.

Public Meeting - A public meeting would be required.

5) MODIFIED KEITH BUFFER ZONING APPLIED

Zoning - 'K' heavy industrial zoning would be modified to eliminate a number of incompatible uses. Other Keith buffer provisions would apply.

Keith Buffer OMB Decision Extract

'It is perfectly clear to the Board from the evidence that there are certain industrial operations which should not take place within the proposed buffer, or for that matter, for a substantial distance beyond the buffer. Amongst such uses would be a coke oven, a garbage dump, a paper mill and other large industrial uses!'

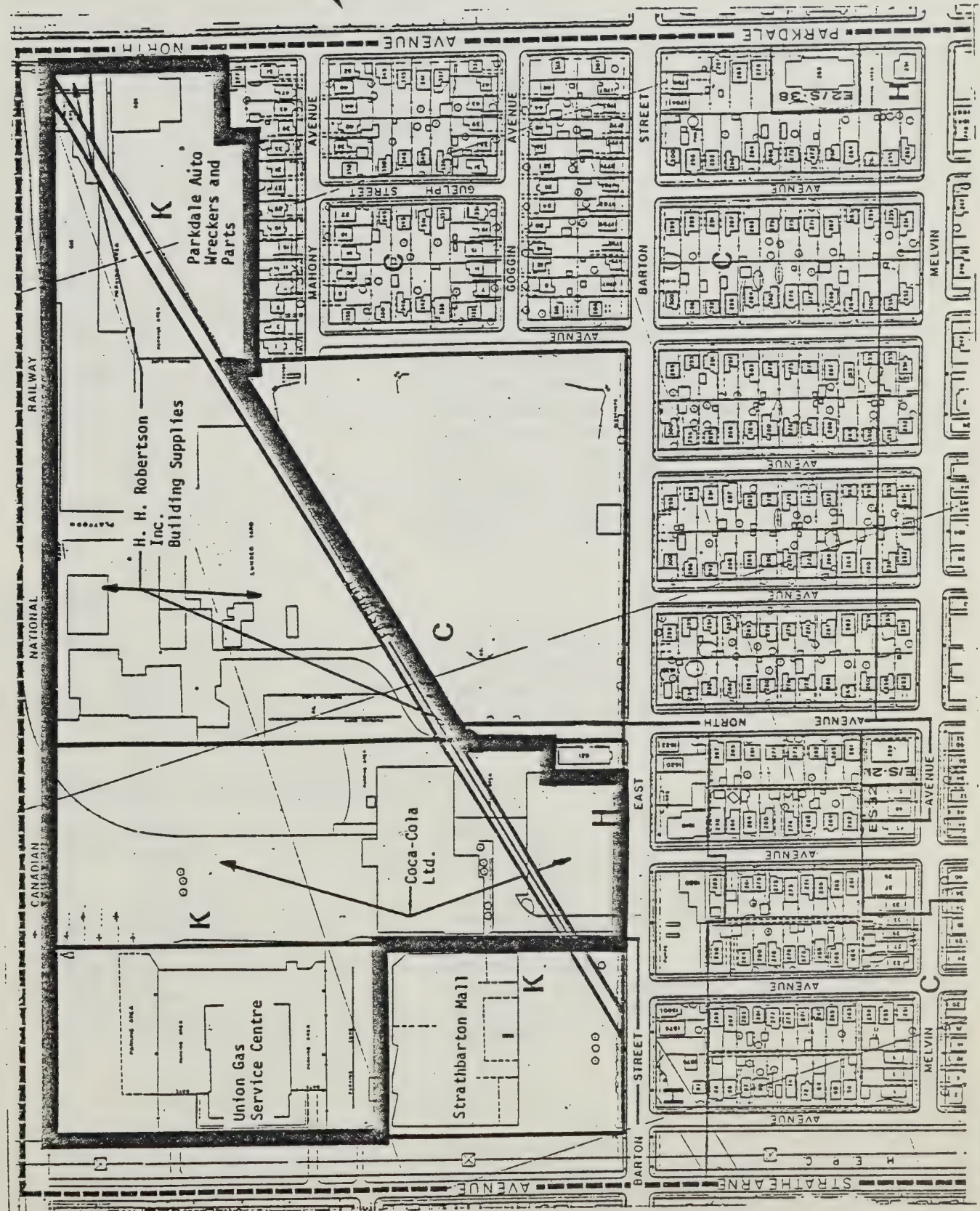
Analysis - An analysis of incompatible uses proposed is attached (see Appendix 2)

Public Meeting - A public meeting would be required.

DG:jd

David

NORMANHURST INDUSTRIAL REZONING



Subject Land For Proposed Zoning Change From 'H' or 'K' To 'J'

MINUTES

CITY OF HAMILTON

BUSINESS LAND USE ADVISORY BOARD

SPECIAL MEETING

APRIL 3, 1987

10:00 A.M.

ATTENDINGMembers

- | | | | |
|---------------------|----------|---|---|
| Alderman John Smith | Chairman | - | Chairman, City of Hamilton Planning and Development Committee |
| John Vogt | | - | District Officer, Ontario Ministry of Environment |
| Jim Thoms | | - | Commissioner of Planning and Development, Hamilton Wentworth Region |
| Chuck Towsley | | - | Hamilton Harbour Commissioners - appointed by the Chamber of Commerce |
| Doug McCaw | | - | McCaw Hall Inc. - representing the Chamber of Commerce |

REGRETS

- | | | |
|----------------|---|--|
| Don Fraser | - | Vice President, Hamilton and District Labour Council |
| Patrick Dillon | - | Hamilton-Brantford, Ontario Building and Construction Trades Council |

REPRESENTATIVES FROM NORMANHURST INDUSTRIES

- | | | |
|--------------------|---|--|
| Mr. V. Sucharda | - | President, H. H. Robertson Inc. |
| Mr. John Whyman | - | Secretary and Corporate Controller, H. H. Robertson Inc. |
| Mr. Earl Cranfield | - | Solicitor for H. H. Robertson Inc. |
| Mr. Ross D. Parker | - | Operations Manager, Union Gas Ltd. |
| Mr. J. Leishman | - | Coca Cola Ltd. |
| Mr. Roy Burkitt | - | General Foreman, Coca Cola Ltd. |
| Mr. Bob Wallace | - | Assistant Area Manager, Coca-Cola Ltd. |
| Mr. John Pederson | - | Vice-President, Parkdale Auto Parts and Supply |

STAFF/GUESTS

Victor Abraham	- Director of Local Planning
Alex Georgieff	- Division Head, Policy and Neighbourhood Planning
David Godley	- Manager, Neighbourhoods Section
Caroline Floroff	- Planner, Policy Planning and Analysis Section
John Robinson	- Community Development Dept.

1. Doug McCaw took the Chair in the Chairman's absence for introductions of staff, Board members and the representatives of the industries in Normanhurst. Upon arrival, Alderman Smith assumed the Chair for his introductory remarks. He clarified the purpose of the meeting and stressed that the Board wanted to hear comments from the affected industries and that the proposal being presented has not received Committee or Council approval and was still flexible at this point in time.
2. David Godley gave an historical perspective of the neighbourhood planning exercises along the residential/industrial interface including Normanhurst Neighbourhood and the Keith area. The five options in implementing the Normanhurst Official Plan and zoning by-law amendments, as detailed at the Board's meeting of December 19, 1986 were highlighted for the benefit of the representatives of the affected industries.
3. The Chairman opened the meeting for discussion. A number of questions were raised and answered by staff as follows:
 - Q. What was the difference between this proposal for Normanhurst and what was proposed for the Keith area?
 - A. It is essentially the same;
 - Q. If a legal non-conforming use wanted to expand onto an adjoining property would a rezoning be required?
 - A. Yes, expansion can only take place on present property;
 - Q. What ancillary uses would be permitted?
 - A. All ancillary uses would be permitted. This could be clarified in the amending by-law;
 - Q. What controls, other than zoning, could control noxious uses such as asphalt or acid manufacture?
 - A. John Vogt explained that the MOE primarily deals with emissions control but cannot deal with other matters such as visual intrusion, fugitive emissions, accidents, traffic, etc.; and,

- Coca-Cola expressed concern that they may wish to expand their operation to include recycling and crushing which may not be permitted.
4. The Chairman thanked everyone for attending the meeting and advised that the Board will deal with this matter at their next meeting.
 5. The meeting was adjourned at 12:10 p.m.

C.F.:nd

W.P. DOC. 0464P

- Q. Can the MOE refuse a permit?

A. Yes, if the proposal does not meet the Ministry's standards. There is also an appeal process.

In addition, the following comments were made:

- there may be problems in the interpretation of the permitted uses, including ancillary uses;
- the OMB clearly did not support the Keith proposal, and on this basis the proposal for Normanhurst should not be endorsed;
- H. H. Robertson and Parkdale Auto wants to maintain the existing "K" zoning;
- some uses should still be removed from the "K" zone from a danger perspective, however, maybe not all 41 uses as proposed;
- the means of determining the uses that shouldn't be permitted was seriously questioned at the Keith O.M.B. and since the same means were used for Normanhurst, they must also be questioned;
- the 41 uses to be prohibited may limit expansion possibilities of the existing industries onto adjoining sites;
- no complaints from the adjacent residents in Normanhurst concerning the industry are known;
- certain uses are undesirable adjacent to residential areas. Several uses permitted in the "K" and "J" zones are not permitted at all in some municipalities. If the existing industries were to relocate elsewhere, they would have difficulty finding a municipality where the use was permitted;
- the 41 uses to be prohibited will limit uses the existing industry may not find desirable;
- Union Gas mentioned that they have spent a great deal in providing infrastructure to serve the existing industry and would lose money if these industries were to relocate; and,

MINUTES

CITY OF HAMILTON

BUSINESS LAND USE ADVISORY BOARD

APRIL 24, 1987

9:30 a.m.

Attending Members

- Alderman John Smith - Chairman, City of Hamilton Planning and Development Committee
- Doug McCaw - McCaw Hall Inc. - representing the Chamber of Commerce
- John Vogt - District Officer, Ministry of Environment
- Chuck Towsley - Hamilton Harbour Commissioners - appointed by the Chamber of Commerce
- Scott Galbraith - Business Development Officer - Regional Economic Development Department

Guest: -

Mayor Robert Morrow - Mayor, City of Hamilton

Staff

- Victor Abraham - Director, Local Planning - Hamilton-Wentworth Region
- Alex Georgieff - Division Head, Policy and Neighbourhood Planning - Hamilton-Wentworth Region
- Caroline Floroff - Planner, Policy Planning - Hamilton-Wentworth Region

Absent

- Patrick Dillon - Hamilton-Brantford Ontario Building and Construction Trades Council
- Jim Thoms - Commissioner, Planning and Development Department - Hamilton-Wentworth Region
- Don Fraser - Vice-President, Hamilton and District Labour Council

1. The Chairman called for confirmation of the minutes of the Board's meetings of February 20, 1987, and April 3, 1987. It was moved by Doug McCaw and seconded by John Vogt that the minutes be adopted as written. Doug McCaw questioned the status of the Board's recommendation to the Planning and Development Committee on Site Plan Control. Staff advised that Planning and Development Committee requested the Department to prepare a preliminary evaluation looking at the merits and shortcomings of the City-wide application of Site Plan Control.

2. The Chairman introduced Mayor Morrow and asked for his comments on the proposed rezoning for the industries in Normanhurst Neighbourhood. The Mayor expressed concern over "downzoning" industry in general, and specifically as it applied to this area. He felt it did not recognize the changing economy, it limited expansion of existing industry and it negatively effects land values. The philosophy of downzoning is outdated in today's context. The City needs to encourage small business and provide room for them to expand. The Chairman thanked the Mayor for his comments on this matter and advised that the Board would give them serious consideration.

Chuck Towsley agreed that from a planning perspective the modified "K" zoning, as was recently endorsed by the Board, was the most appropriate alternative, however, he agreed with many of the points made by the OMB in its decision on the Keith rezonings. He has rethought his position on this matter and in light of the industries response to the modified "K" zoning, he now supports reintroducing the original "K" zoning.

Doug McCaw expressed agreement with this position, as well as concern that the Keith OMB decision was not made available sooner to the Board.

John Vogt pointed out that the Keith OMB decision put a lot of weight on the Ministry of Environment's legislation. He felt that this was not planning legislation and could not prevent the location of industries that would be considered noxious by adjacent residents.

Chuck Towsley moved a motion to advise the Planning and Development Committee that the Board did not support the rezoning of the industries in Normanhurst from 'K' to 'J', and that the 'K' zoning should be reintroduced. Staff advised that a public meeting would have to be held and that the current by-law would have to be rescinded. The motion was seconded by Doug McCaw and passed. John Vogt did not support the motion.

3. Staff reviewed the recent development applications received by the Planning and Development Department including:
 - a) ZA-87-23 - a rezoning application at 185, 187, 189 and 191 Hess St. North from 'JJ' to (Restricted Industry) to permit a three-storey building with ground floor commercial and residential above. This application has been circulated and is awaiting comments. No date for Planning and Development Committee consideration has been determined;

- b) ZA-87-25 - a rezoning application on the east side of Kenora Avenue, south of Barton Street from 'L-pn' (Institutional) and 'JJ' (Restricted Industry) to 'C' (Single-Family Residential). Only a small portion at the northeast corner is zoned 'JJ'. This application has been circulated and is awaiting comments. No date for Planning and Development Committee consideration has been determined; and,
 - c) DA-87-10 - a Site Plan Control Application on the west side of Upper Ottawa Street, south of Rymal Road for a hot mix asphalt plant. This application had been tabled at April 1, 1987, Planning and Development Committee and it is to be considered at the April 29, 1987 meeting. There was some discussion and concern expressed as to the nature of such a use being permitted in a "prestige" industrial district and that outside storage was also permitted. On this basis, the Board agreed to recommend to the Planning and Development Committee that the proposed development be landscaped and bermed to hide the stock piles on site.
4. Staff advised that the Planning and Development Committee received the Board's report concerning the sale of lands zoned M-12 at their February 25, 1987 meeting.
 5. Staff advised that Planning and Development Committee at their March 11, 1987, meeting directed staff to prepare a preliminary evaluation of the pros and cons of City-wide application of Site Plan Control in response to the Board's concern expressed on this matter.
 6. The Board has advised that staff was not available for the presentation on the improvement on Main Street West. This item will be on the agenda for the next meeting.
 7. Staff advised that the Department is undertaking a study to review the permitted uses in the M-15 District. This study arose out of a concern expressed by Alderman Cowell that asphalt plants were a permitted use. This study is currently under way and should be completed in two to three months. Scott Galbraith stated he expected that the remaining five to six acres will be sold before the study is completed. Victor Abraham suggested that this Board could recommend to the Planning and Development Committee that the City not sell any of its lands in this area until this study and its recommendations had been dealt with by the Committee. The Board agreed with this suggestion and it was so moved by Chuck Towsley and seconded by John Vogt. Staff was directed to prepare a resolution for the Chairman to take to the next Planning and Development Committee meeting April 29, 1987.
 8. The Chairman asked for items under other business. Doug McCaw noted that the economy was making a transition from industry to offices and commercial activity and that the City's mentality should be shifting in this direction as well. At present, the City does not offer an easy way to facilitate such change as happened in the previous urban renewal schemes of the 1960's. This City offers many positive advantages such as lower rents, affordable housing and the prospect of full GO-Train service to the east. It also offers tremendous redevelopment opportunities (e.g. King and James). How can we facilitate this change easily to encourage attractive development and be proactive rather than reactive. Discussion on this issue centred around:

- the role of the Downtown Action Plan Co-ordinating Committee;
- regional economic strategy; and,
- update of the Central Area Plan now underway.

Doug McCaw suggested a "brain storming" session on this matter for the next meeting. Staff suggested a presentation on the Region's economic strategy might be useful. Scott Galbraith said that he could review the implementation strategy for the economic strategy. The Board agreed that a presentation be made at the next meeting on the Region's economic strategy, along with the implementation strategy and a discussion on the matter.

9. The next meeting is scheduled for May 15, 1987, at 9:30 a.m. in Room 233.
10. The meeting was adjourned at 11:15 a.m.

ACTION ITEMS

Item 1

The Planning and Development Committee be advised that Business Land Use Advisory Board recommends that the 'K' zoning be introduced on the industrial area in the Normanhurst Neighbourhood and that the by-law rezoning the lands from 'K' to 'J' be rescinded and the necessary public meeting be held.

Item 3 (c)

The Planning and Development Committee be advised of the Business Land Use Advisory Board's concern regarding the provision of outdoor storage in M-15 districts during a discussion of DA-87-10 (west side of Upper Ottawa Street, south of Rymal Rd.). Accordingly, the Board recommends that the proposed development be landscaped and bermed to hide the stock piles proposed for the site.

Item 7

Staff was directed to prepare a resolution for the Chairman to take to the Planning and Development Committee meeting April 29, 1987, recommending that the City not sell any of its lands zoned 'M-15', until the review of the permitted uses in the 'M-15' Districts (now underway) has been dealt with by the Planning and Development Committee.

Item 8

Staff were requested to make a presentation on the Region's economic strategy for the Board's next meeting. Scott Galbraith will present the "implementation strategy" on this matter.



THE MUNICIPALITY OF HAMILTON-WENTWORTH

Planning Department
 100 King Street West, Hamilton, Ontario L8N 3T4

October 5, 1983

Reference: P5-2-69K

Attention:

Mr. E. A.

KEITH ZONING BUFFEREssence of the Proposal

Forty-one uses will be removed from the "K" District on the edge of the Keith area. The list of uses is as follows:

1. Acid Manufacture and Storage
2. Ammonia Manufacture and Storage
3. Asbestos Products Manufacture
4. Asphalt and Asphalt Products Manufacture
5. Carbon Manufacture
6. Cement Manufacture
7. Chemical and Allied Products Manufacture
8. Chlorine and Chlorine Bleaches Manufacture
9. Coke Oven
10. Non-Ferrous Metals Manufacture and Corrosion
11. Distillation Plant
12. Fertilizer Manufacture
13. Firework Manufacture
14. Feed Mill
15. Fish Packing Plant
16. Flour Mill
17. Fuel Storage Tank
18. Garbage Dump
19. Gas Plant
20. Glue Manufacture
21. Incinerator
22. Insecticide Manufacture
23. Lampblack Manufacture
24. Metal Products Manufacture Where Cutting, Shearing, Hammering, Rolling, Stamping, or Grinding Operations Take Place
25. Nitrating Plant
26. Paints and Varnish Manufacture
27. Paper Mill
28. Petroleum and Petroleum Products Manufacture
29. Potash Manufacture
30. Primary Metals Plant

31. Propane Gas Manufacture or Storage
32. Pyroxylin Manufacture or Storage
33. Rayon Manufacture
34. Rock Crushing Plant
35. Sawmill
36. Salvage Yard Where Shredding and Crushing Operations Take Place
37. Slaughter House and Stock Yard
38. Soaps and Detergents Manufacture
39. Tallow Rendering Plant
40. Tannery
41. Tar and Tar Products Manufacture;

- The area of the proposed by-law will be the same as last time i.e. basically withing 100 metres of the edge of the Keith Neighbourhood. The area affected includes part of Otis, the City park at the corner of Wentworth North and Mars, Sam's Auto Wrecking, Denningers, Amcan, Wilkinson and Kompass, and the Allan Candy Company property on Wentworth Street North;
- Existing industries will be permitted under the Zoning By-Law and will be allowed to expand on site. No legal non-conforming uses will be created;
- The Official Plan will identify a special policy area for the Zoning By-law;
- The Official Plan will specifically identify each of the uses prohibited in the by-law; and,
- The Official Plan will have policies outlining conditions under which exceptions can be made to prohibited uses. Consideration will be given to exceptions where the use can be shown to be relatively compatible with the Keith Neighbourhood through:
 - i) site layout;
 - ii) physical design of buildings;
 - iii) sub-classes of use within each of the 41 uses;
 - iv) particular kinds of process; and,
 - v) any combination of the above.

Exceptions will be through Zoning By-law Amendment, which will include provisions for ensuring compatibility.

NORMANHURST NEIGHBOURHOOD - Industrial Rezoning

ANALYSIS OF INCOMPATIBLE INDUSTRY

The following 41 uses were identified in the zoning by-law as being the most incompatible with neighbourhoods during the preparation of the Keith Zoning Buffer proposal.

Evaluation P = Problematic (8) PP = Very problematic (13)
PPP = Exceptionally problematic (21)

Set Back Recommended by Ministry of the Environment in metres

Danger H = Health X = Explosion

Evaluation		Set Back	Danger
PP	1. Acid Manufacture and Storage	300	
PPP	2. Ammonia Manufacture and Storage	300	H
PPP	3. Asbestos Products Manufacture	90	H
PP	4. Asphalt and Asphalt Products Manufacture	300	
PPP	5. Carbon Manufacture	1000	
PP	6. Cement Manufacture	300	
PP	7. Chemical and Allied Products Manufacture	300	
PPP	8. Chlorine and Chlorine Bleaches Manufacture	300	H
PPP	9. Coke Oven	1000	H
PPP	10. Non-Ferrous Metals Manufacture and Corrosion	1000	H
PPP	11. Distillation Plant	1000	
PP	12. Fertilizer Manufacture	300	
PPP	13. Firework Manufacture		X
P	14. Feed Mill		
P	15. Fish Packing Plant	90	
P	16. Flour Mill		
PPP	17. Fuel Storage Tank		X
PPP	18. Garbage Dump		H
PPP	19. Gas Plant	300	X
P	20. Glue Manufacture	90	
PP	21. Incinerator	300	
P	22. Insecticide Manufacture	90	
PPP	23. Lampblack Manufacture	1000	X
P	24. Metal Products Manufacture Where Cutting, Shearing, Hammering, Rolling, Stamping, or Grinding Operations Take Place	90	
PPP	25. Nitrating Plant	300	X
PP	26. Paints and Varnish Manufacture	300	
PPP	27. Paper Mill	1000	
PPP	28. Petroleum and Petroleum Products Manufacture	1000	
PPP	29. Potash Manufacture		X
PPP	30. Primary Metals Plant	1000	

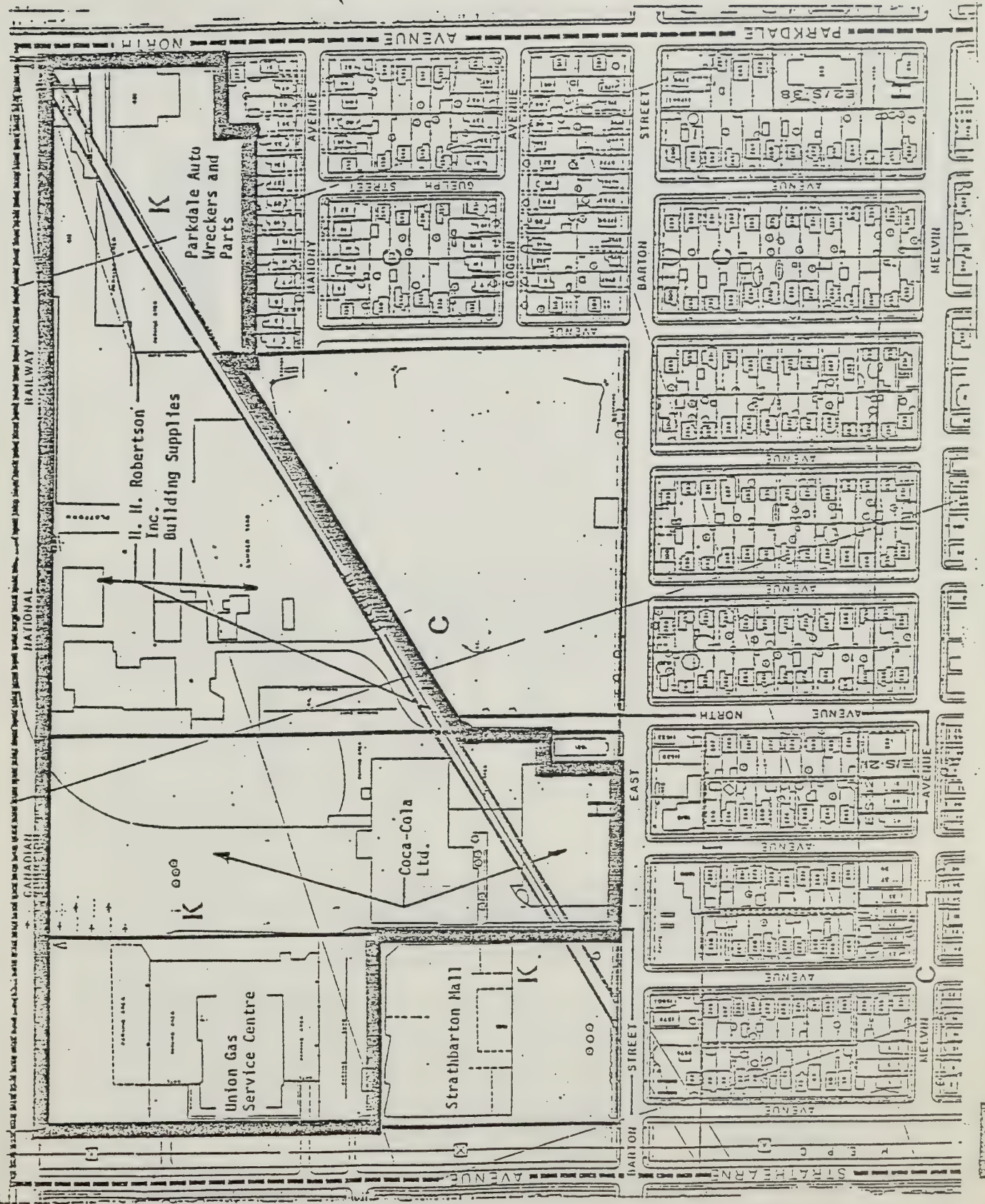
PPP	31.	Propane Gas Manufacture or Storage		X
PPP	32.	Pyroxylin Manufacture or Storage		X
PP	33.	Rayon Manufacture	300	
PP	34.	Rock Crushing Plant	1000	
PP	35.	Sawmill	300	
P	36.	Salvage Yard Where Shredding and Crushing Operations Take Place	90	
PP	37.	Slaughter House and Stock Yard	300	
PP	38.	Soaps and Detergents Manufacture	300	
PPP	39.	Tallow Rendering Plant	1000	
P	40.	Tannery	90	
PPP	41.	Tar and Tar Products Manufacture	1000	

WPD0C 3141

46 USES ELIMINATED BY
ZONING CHANGE FROM "K" TO "J"

Acid Manufacture and storage
Acetyline Gas Manufacture and storage
Ammonia Manufacture and storage
Asphalt and Asphalt products
Manufacture
Celluloid Manufacture and storage
Cellulose Manufacture
Cement Manufacture
Cement Products Manufacture
Chlorine and Chlorine Bleaches Manufacture
Coke Oven
Corrosion of Aluminum, Copper, Iron, Tin, Lead or Zinc
Disinfectant Manufacture
Distillation Plant
Dressings Manufacture
Emery Cloth Manufacture
Fertilizer Manufacture
Firework Manufacture
Garbage Dump
Gas Plant
Glue Manufacture
Graphite Manufacture
Incinerator
Insecticide Manufacture
Lacquer Manufacture
Metal Products Manufacture
Metal Products Manufacture where Cutting, Shearing, Hammering,
Rolling, Acture Stamping or Grinding Operations take place
Metallic Sodium Manufacture
Nitrating Plant
Non-Ferrous Metals Manufacture and Corrosion
Paints and Varnish Manufacture
Petroleum and Petroleum Products Manufacture
Polishes Manufacture
Potash Manufacture
Primary Metals Plant
Potash Manufacture
Primary Metals Plant
Propane Gas Manufacture or
Storage
Pyroxylin Manufacturer or
Storage
Rayon Manufacture
Rock Crushing Plant
Salvage Yard
Sand Paper Manufacture
Sheet Mica Manufacture
Slaughter House and
Stock Yard
Tallow Rendering Plant
Tannery
Tar and Tar Products
Manufacture
Textile Factory

NORMANHURST INDUSTRIAL REZONING



Subject Land For Proposed Zoning Change From 'H' and 'K' to 'J'

2a.

cc. Council Members
Mr. Lou Sage, C.A.O.
Mr. C. Watson, C.A.O. - Region
PROGRAM
- Ballroom C -

Mr. Victor Abraham, Director of Local Planning
Mrs. Susan Reeder, Secretary Planning & Develop.
(From Mayor Bob Morrow
October 26th, 1987

9:15 a.m.	Greetings DORIS BRICK President Association of Municipalities of Ontario and Councillor, County of Peterborough and member of Working Group on Lot Levies	12:00-1:30 p.m.	CASH BAR AND LUNCH Ballroom B
9:30-10:30 a.m.	Lot Levies: Current State of the Art Speakers: C.N. WATSON C.N. Watson & Associates • What are lot levies? • What is the current legislation? • Why do municipalities use them? • What are they used for? • How do you develop a lot levy policy? LLOYD RUSSELL Treasurer Regional Municipality of Ottawa-Carleton • A municipal case study in preparing a lot levy policy	2:00-2:30 p.m.	Question/Answer Period
10:30-11:00 a.m.	Question/Answer Period	2:30-3:30 p.m.	Legislation for the Future Speaker: BRUCE KERR Bramalea Ltd. representing Urban Development Institute and member of the Working Group on Lot Levies
11:00-11:30 a.m.	Front-end Financing Speaker: JOE RINALDO Treasurer Regional Municipality of Halton and member of the AMO Working Group on Lot Levies • What is it? • What is the current legislation? • Do municipalities need it? • The dos and don'ts of a municipal front-end policy.	3:30-4:00 p.m.	Question/Answer Period
11:30-12:00 noon	Question/Answer Period	4:00 p.m.	Concluding Remarks DORIS BRICK President of AMO and Councillor County of Peterborough

- REGISTRATION FORM -
ASSOCIATION OF MUNICIPALITIES OF ONTARIO
"LOT LEVIES: A DEVELOPING ISSUE"
Friday, November 20, 1987 Airport Skyline Hotel

Office Held: _____
City: _____
3: _____
REGISTRATION FEE: \$110.00 REFUNDS: Requests for refunds of prepaid registration fees must be submitted within thirty (30) days of close of the Seminar.

HOTEL RESERVATIONS:
Please make room reservations directly with the Airport Skyline Hotel, 655 Dixon Road, Rexdale, Ontario. Telephone (416) _____
RATES:
\$75.00 Single/Double
CUT OFF DATE:
November 10, 1987

Make cheques payable to the ASSOCIATION OF MUNICIPALITIES OF ONTARIO and return completed registration form to:
ASSOCIATION OF MUNICIPALITIES OF ONTARIO
Suite 805, 100 University Avenue
Toronto, Ontario M5J 1V6

LOT LEVIES:

A DEVELOPING ISSUE

- What is a Lot Levy or Development Charge?
- What do municipalities use them for?
- How do you calculate a Levy Charge?
- What does the Law say?
- Who pays, the Developer? The Municipality? The Homebuyer?
- What does the future hold?

To learn the answer to all of the above and much more, come to the AMO Seminar on Lot Levies and Front-End Financing.

NOVEMBER 20th, 1987

Airport Skyline Hotel
655 Dixon Road
Rexdale, Ontario
(416) 244-1711
1-800-268-1332

Handwritten notes:
x p r d w m
w m l s a g e

cc. Council Members



Mrs. Susan Reeder, Secretary - Planning and Development Committee
Maurie Peddle, Secretary - LACAC Committee

OCT 7 1987

2b

Office of the
Minister

Bureau du
ministre

Ministry of
Municipal
Affairs

Ministère des
Affaires
municipales

17th floor
777 Bay Street
Toronto, Ontario
M5G 2E5
(416)585-7000

777, rue Bay
17^e étage
Toronto (Ontario)
M5G 2E5
(416)585-7000

September 23, 1987

His Worship
Mayor Robert M. Morrow
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mayor Morrow:

Thank you for your letter of August 17, 1987 expressing Council's concern over my decision on a Niagara Escarpment Commission development permit appeal regarding the demolition of a building at 74 Charlton Avenue East.

The Niagara Escarpment Planning and Development Act states that the decision of the Minister is final, however it was my intention, as stated in the decision, not to prejudice another application for this building. As you know, it is my hope that a thorough investigation will be made by all parties including the developer, the Ministry of Citizenship and Culture, the City and the Hamilton LACAC, of the possibility of preserving this heritage building as recommended by the hearing officer.

I respectfully suggest that the City consider taking a lead role in this investigation. If your staff have any questions or comments please contact Mr. John Waller of my Ministry at 585-6068.

Yours sincerely,

Bernard Grandmaître
Minister

T.O.P.D. & Lacar

ROBERT M. MORROW
MAYOR



1987 August 17

The Honourable Bernard Grandmaitre
Minister of Municipal Affairs
777 Bay Street
Toronto, Ontario
M5G 2E5

Dear Honourable Sir:

Hamilton City Council at its meeting held Tuesday, 1987 July 28 approved the following recommendation of the Planning and Development Committee:

18. (a) That NO ACTION be taken on a demolition permit application for a residential building at 74 Charlton Avenue East.

NOTE: The Niagara Escarpment Commission has denied demolition permit application for this building.

- (b) That the Mayor write to the Minister of Municipal Affairs and request a review of the decision made by the Niagara Escarpment Commission with respect to the demolition permit application for 74 Charlton Avenue East.

A concern was expressed by City Council at the decision of the Niagara Escarpment Commission with respect to the demolition permit application for 74 Charlton Avenue East. Attached herewith for your review, is a copy of said Notice of Decision.

We would therefore request a review of this decision and look forward to your response on this matter.

Yours very truly,

Robert M. Morrow
Mayor

SKR:jf

Attach.

c.c. Mr. P. Kuppe, Building Commissioner
c.c. Mr. V. Abraham, Director of Local Planning



Office of the
Minister

Ministry of
Municipal

Ministère des
Affaires

Bureau du
Ministre

Affaires

municipales

17th floor
777 Bay Street
Toronto, Ontario
M5G 2E5
(416)585-7000

777, rue Bay
17^e étage
Toronto (Ontario)
M5G 2E5
(416)585-7000

June 2, 1987

RECEIVED

JUN 24 1987
CITY CLERKS

Mr. Terence A. Whelan, Q.C.
Barrister, Solicitor and
Notary Public
131 John Street South
Hamilton, Ontario
L8N 2C3

NOTICE OF DECISION

made under the provision of the
Niagara Escarpment Planning and
Development Act, R.S.O. 1980

N.E.C. File Nos. W/P/86-7/42,
W/R/85-6/368 &
W/R/85-6/369

H.O. File Nos. H.86-101, 102 & 103

Dear Mr. Whelan:

Re: Madeline Mark, appellant against Niagara
Escarpment Commission approval of an appli-
cation for a development permit made by
St. Elizabeth Home Society to:

W/P/86-7/42 - construct a four-storey,
7500 sq. m. (80645 sq. ft.) nursing home,
with fifth-storey chapel, accessway and
associated parking spaces, on a lot which
presently supports an apartment and
residential building, both proposed for
demolition;

W/R/85-6/368 - demolish a two-storey,
465 sq. m. (5000 sq. ft.) residential
building;

CITY OF HAMILTON	
DEPARTMENT OF BUILDINGS	
JUN 24 1987	
REC'D BY	DATE
REF'D BY	DATE
REF'D TO	DATE
REF'D TO	DATE

Mr. Terence A. Whelan, Q.C.

W/R/85-6/369 - demolish a one-storey,
74.4 sq. m. (800 sq. ft.) addition to a
two-storey residential building which is
also proposed for demolition under
development permit application
No. W/R/85-6/368, all on land identified
as Lot 14, Concession 3, City of Hamilton,
Regional Municipality of Hamilton-Wentworth
and located in the "Urban Area" designation
of the Niagara Escarpment Plan

Pursuant to section 25 of the Niagara Escarpment Planning and Development Act, R.S.O. 1980, a hearing officer has inquired into the merits of the proposals and advised me of his opinion of the decisions.

After reviewing the hearing officer's report, a copy of which is attached, I concur with his opinion and direct the Niagara Escarpment Commission to issue a development permit subject to the attached conditions on applications W/R/85-6/369 and W/P/86-7/42 and direct the Niagara Escarpment Commission not to issue a development permit on Application W/R/85-6/368.

My decision not to allow a development permit to demolish the 1870's house at 74 Charlton Avenue East will not prejudice another application for this building. It is my hope that a thorough investigation will be made by all interested parties, such as the developer, the Ministry of Citizenship and Culture, the City of Hamilton and the Hamilton LACAL, in investigating the possibility of preserving the heritage building as recommended by the hearing officer.

Yours sincerely,

ORIGINAL SIGNED BY
BERNARD C. GRANDMAITRE

Bernard Grandmaitre
Minister

Attachment

Mr. Terence A. Whelan, Q.C.

c.c. Mr. Joseph Curtin, Chief Hearing Officer
Mr. G.H.U. (Terk) Bayly, Chairman, N.E.C.
Mr. Keith Jordan, Manager, N.E.C. - Georgetown
Mr. Bruno Carusetta, Senior Planner, N.E.C.
Mr. E. A. Simpson, Clerk, City of Hamilton ✓
Mrs. B. Tinsley, Regional Clerk,
Regional Municipality of Hamilton-Wentworth
Mr. M. Heitshu, Manager - C.P.A.B.

Mr. Howard Mark, M.O.A.A.
Architect
252 James Street South
Hamilton, Ontario
L8P 3B5

Mr. Julian Gaspar
Project Manager
Vice-President
Canadaplan Construction Company
Limited
393 Rymal Road West
Hamilton, Ontario
L9B 1V2

CONDITIONS

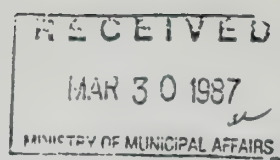
St. Elizabeth Home Society
File Nos: W/P/86-7/42

1. Non-fulfillment or breach of any one of the conditions shall render the development permit null and void.
2. No building or other permit relating to development shall be issued or be considered to be in force unless a valid development permit is in effect.
3. The development permit shall expire two (2) years from its date of issuance unless the development has commenced.
4. Development shall take place only in accordance with the revised site plan and development permit application submitted (except where special conditions are to apply as noted below).
5. Except where noted on the application and approved by the Commission, no other grading of the existing contours of the lot is permitted, with the exception of that which is required for the development.
6. That prior to the issuance of a development permit by the Niagara Escarpment Commission, the applicant submit a final site plan which provides for the complete preservation of the 1870's house located at 74 Charlton Avenue East and which reflects to the satisfaction of the Niagara Escarpment Commission staff the modifications requested by the Council for the City of Hamilton. Said plan to be approved by the Niagara Escarpment Commission in consultation with the City of Hamilton.
7. That prior to the issuance of a building permit by the Niagara Escarpment Commission, Niagara Escarpment Commission staff shall be satisfied that the applicant has submitted landscape plan approved by the City of Hamilton.
8. That prior to the issuance of a building permit by the City of Hamilton, the applicant enter into a Site Plan Control Agreement with the City of Hamilton.
9. That upon issuance of a development permit, Development Permit Application No. W/R/84-85/186 becomes void.
10. This decision shall become null and void if a development permit is not issued within one (1) year from the date of confirmation of the Commission's decision by the Minister of Municipal Affairs.

CONDITIONS

St. Elizabeth Home Society
File No: W/R/85-6/369

1. Non-fulfillment or breach of any one of the conditions shall render the development permit null and void.
2. No building permit or other permit relating to development shall be issued or be considered to be in force unless a valid development permit is in effect.
3. The development permit shall expire two (2) years from its date of issuance unless the development has commenced.
4. Development shall take place only in accordance with the revised site plan and development permit application submitted (except where special conditions are to apply as noted below).
5. That the demolition of the structure take place in such a way as to preserve the 1870's house to which it annexed.
6. That all materials resultant from the demolition and not required in new construction be removed from the site immediately following demolition.



IN THE MATTER OF Section 25 of The Niagara
Escarpment Planning and Development Act,
Revised Statutes of Ontario, 1980

- and -

IN THE MATTER OF an appeal by Madeline Mark
against a decision of the Niagara Escarpment
Commission dated the 14th day of November,
1986, whereby the Commission approved an
application for a development permit made by
St. Elizabeth Home Society to:

W/P/86-7/42 - construct a four-storey, 7500 sq. m.
(80645 sq. ft.) nursing home, with fifth-storey
chapel, accessway and associated parking spaces,
on a lot which presently supports an apartment and
residential building, both proposed for demolition;

W/R/85-6/368 - demolish a two-storey, 465 sq. m.
(5000 sq. ft.) residential building;

W/R/85-6/369 - demolish a one-storey, 74.4 sq. m.
(800 sq. ft.) addition to a two-storey residential
building which is also proposed for demolition under
development permit application No. W/R/85-6/368 all
on land identified as Lot 14, Concession 3,
City of Hamilton, Regional Municipality of Hamilton-
Wentworth and located in the "Urban Area" designation
of the Niagara Escarpment Plan

A P P E A R A N C E S

Howard Mark, MOAA	- architect, agent for Madeline Mark, appellant
Terence A. Whelan	- Legal Counsel for St. Elizabeth Home Society, Hamilton, Ontario
Julian Gaspar	- Project Manager, Vice President, Canadaplan Construction Company Limited
Martin Kilian	- N.E.C., Staff Planner

REPORT TO THE MINISTER OF MUNICIPAL AFFAIRS BY JOSEPH A. CURTIN

This matter is of some complexity and involves three files
comprising one appeal.

The appeal revolves around the proposed demolition of a
distinguished 1870s Italianate style red brick house, 74 Charlton Avenue East,
Hamilton, which is listed on the City of Hamilton Inventory of Architectural
and Historically Significant Buildings.

An appeal against Niagara Escarpment Commission approval of the demolition of a small utilitarian addition to the 1870s house was withdrawn early in the hearing. This is represented by File N.E.C.: W/R/85-6/369.

Since this appeal (N.E.C.: W/R/85-6/369) was withdrawn early in the hearing it is proposed to dispense with further scrutiny of this file. It will be dealt with in this report's recommendation as withdrawn.

An appeal against construction of a four-storey, 180 bed nursing home with a fifth-storey chapel was based by the appellant on design, density and aesthetic considerations and was persisted in. This file is N.E.C.: W/P/86-7/42.

Because the demolition of the 1870s Italianate house is central to the issue and because Counsel for the appellant subsequently stated that unless the house is demolished the applicant will not proceed with construction of the projected nursing home, it is proposed here to deal with the 1870s house file first (N.E.C. W/R/85-6/368).

The 1870s house proposed for demolition is located prominently on John Street South at Charlton Avenue in Hamilton close to the toe of the Escarpment. John Street is a main north and south artery of the City.

The area of the subject property has been historically the location of the finer older homes of the City. The subject property is now encircled with some exceptions for a radius of approximately two blocks with institutional and other orders of high rise construction.

The surviving elements remaining of original 19th Century architecture and street design in the neighbourhood include a house row facing John Street north of the subject property. Some commercial uses are found in these houses. Structurally the subject house appears to be in reasonably sound condition but there is evidence of delapidation and want of elementary maintenance.

The N.E.C. Staff Report contained in file N.E.C. W/R/85-6/368 indicated that the subject property is designated "Urban Area" in the Niagara Escarpment Plan (page 14, column 1). "Development Objectives" No. 4 under this designation states that:

"Development proposals should be compatible with and provide for the protection or restoration of historic features or areas, archaeological sites and structures of architectural significance in accordance with Part 2.11.

3. The development permit shall expire two (2) years from its date of issuance unless the development has commenced.
4. Development shall take place only in accordance with the revised site plan and development permit application submitted (except where special conditions are to apply as noted below).
5. That prior to the issuance of a development permit by the Niagara Escarpment Commission, the applicant record the existing building in a manner satisfactory to the Ministry of Citizenship and Culture and the Hamilton Local Architectural Conservation Advisory Committee.
6. That all materials resultant from the demolition and not required in new construction, be removed from the site immediately following demolition.
7. This decision shall become null and void if a development permit is not issued within one (1) year from the date of confirmation of the Commission's decision by the Minister of Municipal Affairs.

Hearing of the appeal was held on Tuesday, January 20, 1987, in the Council Chambers of the City Hall in the City of Hamilton, commencing at 10:30 a.m.

All parties wishing to be heard were heard. All evidence was taken under oath.

Howard Mark, Professional Architect, appeared as agent for the appellant Madeline Mark in all three files of this appeal, viz, N.E.C. W/P/86-7/42; N.E.C. W/R/85-6/368 and N.E.C. W/R/85-6/369.

The appeal against file N.E.C. W/R/85-6/369 was withdrawn. This was an approval for demolition of a one-storey recent utility addition to the 1870s Italianate house.

Addressing the proposed demolition of the 1870s house (File N.E.C. W/R/85-6/368) Mr. Mark restated his client's opposition. He advised that the technical staff of the N.E.C., The Ministry of Citizenship and Culture and the L.A.C.A.C. recommended against demolition and for retention of the 1870s house.

The only information he said he could secure from the applicant respecting the proposal to retain the 1870s house was that it was incompatible with the proposed design of the nursing home (File N.E.C. W/P/86-7/42) and that it was not in the applicant's view economically feasible to retain the heritage building.

There is too much development on this site Mr. Mark stated. He described the site as very difficult to deal with. The site drops quickly from south to north with a four-storey elevation quickly becoming a five-storey elevation he said and then, referring to the proposed nursing home, adding a six-storey roof top chapel on the north east part of the site.

Identifying himself as a lifelong resident of the Corktown neighbourhood Mr. Mark stated he had known all the buildings that have been lost in the area through demolition. Corktown was described as a recognized land use planning area in Hamilton bounded by John Street, the Escarpment, Main Street and Wellington Street. He referred to a City of Hamilton Corktown zoning map which was received as Exhibit 1.

There are buildings on John Street which are still residential. Four buildings on the east side of John Street just north of the proposed site retain their original residential character he said.

In his opinion streetscape is very important to a community. Large scale buildings, he said, have altered the character of the area which has not improved but regressed.

At this point Mr Whalen, Counsel for the applicant, conceded that at all levels technicians had opposed the application for demolition and subsequently that in a letter V.J. Abraham, M.C.I.P., Director of Local Planning, favoured preservation of the 1870s house.

The applicant's ideas for preservation of the 1870s house as set out in part 7, page 3, of the N.E.C. Staff Report were challenged by Mr. Mark. He agreed that replacing the roof with a glass roof, removing all floors and replacing wooden cornices would not be economically feasible.

He said that the proposal to glass and gut is questionable. There are other alternatives he maintained. The building could be retained and connected to new structures with provision for fire separation, he said. It could house administration activities. Integration of internal traffic flow would be a problem but could be solved in his opinion.

It is his client's opinion that this can be done within restraints of economic feasibility.

The Church of the Ascension on the north west corner of John Street and Charlton Avenue opposite the subject property will be adversely affected by the proposed change. Both structures fit into the nearby residential scene which is all that is left of Corktown in this area, he said.

A row of historic terraced stone houses on the west side of John Street between Yonge Street and Forest Avenue has been replaced by a very high density development. The development in the area is enough, he said. With respect to the nursing home application (N.E.C. W/P/86-7/42) Mr. Mark referred to a schematic drawing in the applicant's documents appearing in the N.E.C. Staff Report in this file which showed he said a six-storey structure in the Charlton Avenue north elevation of the proposed institution compared to the four-storeys plus roof chapel described in the application text.

The site slopes 10 feet in 70 feet he said, his reading of text in the architectural drawings caused him to believe the occupancy would be not 180 beds but 240 to 250 including some 60 apartment units.

Mr. Mark said it was suspected the roof top chapel and corridor system suggested provision was being made for the later addition of another floor of some 60 beds, it leading to 310 beds on site.

Two adjacent high rise apartments would also be affected by the proposal Mr. Mark stated. These he said are on the north side of Charlton Avenue between Catharine and Walnut Streets.

What is being proposed is all new construction with the old heritage building removed. He noted that the Niagara Escarpment Plan addresses heritage preservation. But he felt the old building could stay and the nursing home and its 180 beds could be built. No one can say it could not be done, he said. The site he said abuts a park and playground, Wolverson Park, immediately to the east for which care must be exhibited.

The architect of the project must take his orders from the owner he stated. At this point a written presentation and photos were submitted. An objection by Mr. Whelan was sustained, however, the photographic material of the report was abstracted and accepted as Exhibit 3.

An additional photo of the subject property and the east side of John Street was received as Exhibit 4.

Mr. Whalen waived cross-examination of Mr. Mark and made a preliminary statement.

The applicant's position he said is that the nursing home will not be built if incorporation of the 1870s house into the project is a requirement. The applicant owns the entire block on John Street south from St. Joseph's Drive to Charlton Avenue. Two large buildings appear as hatched outlines south of the subject property (see Exhibit 1) and have been vacant since April 1, 1986.

Julian Gaspar was introduced by Counsel as a witness for the applicant.

He is an employee of Canadaplan Construction Company. He described himself as a Project Manager for the applicant. He has won a national housing design award and an urban development institute award for his work he said.

It is proposed to build for 180 beds with the existing structure becoming a residence for 70 beds.

He said the architect had tried to include the 1870s house in his plans. He spent three months in 1986 negotiating with the L.A.C.A.C. and the City Planning Department to try to incorporate it he said.

As a result of information he said he believed that since the new building must be noncombustible the 1870s house could not be part of it. Elements to be reviewed included cornices, floors and roof he stated.

Changes in the nursing home plan had been made but do not show on the plan submitted with the application he said. Although the building is designed with over 100 pounds per square foot of roof load any building can be designed for a higher load than the minimum requirement.

Mr. Gaspar said that the City Planning and Development Committee recommended unanimously that the 1870s house be demolished and that City Council approved. The L.A.C.A.C. and N.E.C. Staff objected but the Commission nonetheless approved demolition. The 1870s house is not designated under the Heritage Act he noted.

He introduced 32 colour photos of the 1870s house illustrating its current position. These were received as Exhibit 5. These he said showed damage caused by vagrants.

Because the nursing home design appears to require the demolition of the 1870s house the option of approving its construction is not available to the hearing officer if the 1870s house is recommended for preservation. A recommendation against construction of the nursing home, as designed in the application should be expressed without prejudice to a reapplication embodying a new design which would enable the 1870s house to be preserved.

RECOMMENDATION


In light of the appellant's withdrawal of the appeal in file (N.E.C. W/R/85-6/369) it is respectfully suggested to the Minister that the decision of the Niagara Escarpment Commission has merit and that he should instruct the Commission to issue the necessary development permit together with such conditions as shall preserve the structure to which it is annexed as made subject to reference below.

With reference to the 1870s house (N.E.C. W/R/85-6/368) it is respectfully submitted that the Commission's decision to issue a development permit for demolition lacks merit and that the Minister concur in the appeal by instructing the Commission not to issue a development permit.

In the matter of file (N.E.C. W/P/86-7/42) for the construction of a four-storey nursing home it is respectfully submitted that the Commission's decision has merit and that an instruction should be given to issue a development permit but that such permission be given conditional on the complete preservation of the 1870s house for which approval of a development permit has been refused.

All of which is respectfully submitted.

Dated this 30th day of March, 1987


Joseph A. Curtin
Chief Hearing Officer

F O R A C T I O N

4.

FROM P. KUPPE, BUILDING COMMISSIONER

DATE NOVEMBER 4, 1987

TO THE PLANNING & DEVELOPMENT COMMITTEE

Refer To File No. _____

Attention Of _____

Your File No. _____

SUBJECT

DEMOLITION

RECOMMENDATION

That the Building Commissioner be authorized to issue demolition permits for the demolition of residential buildings as outlined below.

1. 255 Young Street
2. 213 Belmont Avenue
3. 215 Belmont Avenue
4. 141 Belview Avenue
5. 151 Belview Avenue
6. 155 Belview Avenue
7. 213 Brant Street
8. 13 Gerrard Street
9. 14 Gerrard Street
10. 386 Birch Avenue
11. 397/399 Sherman Avenue North

A handwritten signature in dark ink, appearing to be 'P. Kuppe', is written over a horizontal line at the bottom right of the page.



4a.

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

November 4, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

**CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS
UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY**

Map: E14
Zone: "A"
Lot Size: 24' X 100'

ADDRESS: 255 YOUNG STREET

PRESENT USE: SINGLE FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: FUTURE OWNER, CITY OF HAMILTON

COMMENTS: SEE PROPERTY REPORT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION.

MG/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

November 4, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS
UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY

Map: E43
Zone: "D"
Lot Size: 25' X 100'

<u>ADDRESS:</u>	213 BELMONT AVENUE
<u>PRESENT USE:</u>	SINGLE FAMILY DWELLING
<u>PROPOSED USE:</u>	VACANT
<u>OWNER:</u>	CITY OF HAMILTON
<u>COMMENTS:</u>	SEE PROPERTY REPORT
<u>RECOMMENDATION:</u>	IT IS RECOMMENDED THAT THE COMMITTEE APPROVE DEMOLITION.

MG/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner

4c.

OFFICE OF THE BUILDING COMMISSIONER



REFER TO FILE

ATTENTION OF M. German

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

November 4, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

**CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS
UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY**

Map: E43
Zone: "D"
Lot Size: 38' X 100'

ADDRESS: 215 BELMONT AVENUE

PRESENT USE: SINGLE FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: CITY OF HAMILTON

COMMENTS: SEE PROPERTY REPORT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION.

MG/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



4d.

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

November 4, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

**CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS
UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY**

Map: E44

Zone: "D"

Lot Size: 25' X 100'

ADDRESS: 141 BELMONT AVENUE

PRESENT USE: SINGLE FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: CITY OF HAMILTON

COMMENTS: SEE PROPERTY REPORT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION.

MG/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



4e.

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

November 4, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

**CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS
UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY**

Map: E44
Zone: "D"
Lot Size: 25' X 98'

ADDRESS: 151 BELMONT AVENUE

PRESENT USE: SINGLE FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: CITY OF HAMILTON

COMMENTS: SEE PROPERTY REPORT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION.

MG/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

November 4, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

**CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS
UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY**

Map: E44
Zone: "D"
Lot Size: 25'X 76.670'

ADDRESS: 155 BELVIEW

PRESENT USE: SINGLE FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: CITY OF HAMILTON

COMMENTS: SEE PROPERTY REPORT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION.

MG/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



49.

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

November 4, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

**CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS
UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY**

Map: E20

Zone: "K"

Lot Size: 35' X 80'

ADDRESS: 213 BRANT

PRESENT USE: SINGLE FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: FUTURE OWNER, CITY OF HAMILTON

COMMENTS: SEE PROPERTY REPORT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION.

MG/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

November 4, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

**CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS
UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY**

Map: E20
Zone: "K"
Lot Size: 19'X 97.1'

ADDRESS: 13 GERRARD STREET

PRESENT USE: TWO FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: FUTURE OWNER, CITY OF HAMILTON

COMMENTS: SEE PROPERTY REPORT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION.

MG/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

November 4, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

**CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS
UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY**

Map: E20
Zone: "K"
Lot Size: 24' x 80'

ADDRESS:

14 GERRARD STREET

PRESENT USE:

SINGLE FAMILY DWELLING

PROPOSED USE:

VACANT

OWNER:

FUTURE OWNER, CITY OF HAMILTON

COMMENTS:

SEE PROPERTY REPORT

RECOMMENDATION:

IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION.

MG/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

November 4, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

**CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS
UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY**

Map: E20
Zone: "K"
Lot Size: 28' x 104'

ADDRESS: 386 BIRCH AVENUE

PRESENT USE: SINGLE FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: FUTURE OWNER, CITY OF HAMILTON

COMMENTS: SEE PROPERTY REPORT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION.

MG/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner



4k.

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

November 4, 1987

REPORT TO THE PLANNING & DEVELOPMENT COMMITTEE

DEMOLITION CONTROL

**CATEGORY "B" - NO IMMEDIATE REDEVELOPMENT IS PROPOSED BUT IS
UNECONOMICAL TO MAINTAIN THE EXISTING RESIDENTIAL PROPERTY**

Map: E20
Zone: "K"
Lot Size: 18.75' x 90'

ADDRESS: 397/399 SHERMAN AVENUE NORTH

PRESENT USE: TWO FAMILY DWELLING

PROPOSED USE: VACANT

OWNER: FUTURE OWNER, CITY OF HAMILTON

COMMENTS: SEE PROPERTY REPORT

RECOMMENDATION: IT IS RECOMMENDED THAT THE COMMITTEE APPROVE
DEMOLITION.

MG/ggf

for

PAUL KUPPE, P. Eng.
Building Commissioner

F O R A C T I O N

5.

FROM Paul Kuppe, P. Eng.
Building Commissioner DATE October 26, 1987

TO Planning & Development Committee Refer to File No. 87.2.4.2.1

Attention Of P. Fisher

Your File No. _____

SUBJECT

Fees for applications to the Committee of Adjustment

RECOMMENDATION

That By-law No. 85-14 prescribing a tariff of fees in relation to anticipated administrative costs be appropriately amended to reflect a fee increase from the present \$150.00 to \$180.00 for applications to the Committee of Adjustment effective 1988 January 04.

BACKGROUND

The present \$150.00 application fee for applications to the Committee of Adjustment has not been altered for approximately three years. A projection of 1988 volumes and costs appears to reflect a cost of about \$180.00 per application and it is felt that the present fee should be adjusted.

per. Jm

6a.

F O R A C T I O N

FROM E. W. Kowalski, Director
Department of Community Development **DATE** 1987 November 03

TO Planning and Development Committee **Refer To File No.** 800-0300

Attention Of _____

Your File No. _____

SUBJECT

Ontario Home Renewal Programme (O.H.R.P.)

RECOMMENDATION

That the attached four (4) O.H.R.P. applications be submitted to City Council for approval, authorizing the Department of Community Development to process grants/loans in the amount not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme (O.H.R.P.).

E. Kowalski

BACKGROUND

Attached is a list of four (4) applicants whose applications are currently being processed for grants and/or loans pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applicants to date under the Ontario Home Renewal Programme is three thousand eight hundred and twenty-six (3,826).

Planning and Development
Committee

Ontario Home Renewal Programme

1. H. Walker
8 Albany Avenue
2. A. Gilmour
36 Bayfield Ave.
3. M. Smith
21 Lorne Avenue
4. C. Ellis
32 Park Row North

6c.

F O R A C T I O N

FROM Mr. E. W. Kowalski, Director
Community Development Department **DATE** 1987 November 03

TO Planning and Development Committee **Refer To File No.** 800-0014.6

Attention Of _____

Your File No. _____

SUBJECT

International Village Business Improvement Area; Proposed Budget and Schedule of Payments 1988

RECOMMENDATION

- i) That, in accordance with Schedule 'A', appended hereto, the 1988 operating budget of the International Village Business Improvement Area be approved in the amount of seventy thousand dollars (\$70,000); and,
 - ii) that, the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 217, the Municipal Act, R.S.O. 1980, to levy the 1988 budget as referenced in (i) above; and,
 - iii) that, the Schedule of Payments 1988, appended hereto as Schedule 'B', be approved.
- E. Kowalski*

BACKGROUND

At a general membership meeting held 1987 November 02, the International Village Business Improvement Area Budget for 1988 in the amount of seventy thousand dollars (\$70,000) of which 15% (\$10,500) has been set aside for uncollectible levies was voted on and approved.

c.c. Mr. P. Eker, Acting City Solicitor, City Solicitor's Department
Mr. D. Goodman, Assistant Supervisor - Business Tax

SCHEDULE 'A'

1988 Advertising/Promotion Budget

Total estimated budget =	\$70,000.00
15% contingency fee =	-10,500.00
Insurance fee =	<u>- 2,000.00</u>
1988 Promotions/Advertising	\$57,500.00

Estimated Expenses

Promotions/Promotional printing: Includes expenses for entertainment, sound, staging, balloons, posters, table rentals, banners, casual help. Also promotional printing of newsletters, notices, invites, ballots.

Consumer Show	=	500.00
Spring Sidewalk Sale	=	1500.00
Mother's Day	=	1000.00
Father's Day	=	1000.00
Summer in the City	=	5000.00
International Streetfest	=	5000.00
Christmas	=	<u>6000.00</u>
Promotions	=	\$20,000.00

Newspaper advertising	=	12,000.00
Cost of space for the year in Brabant and Spectator		

Magazine/Directory	=	4,500.00
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Radio	=	4,000.00
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Creative/Coordinator	=	13,200.00
Writing and coordinating newspaper, radio, promotions, newsletter, etc.		

Artwork production	=	<u>3,800.00</u>
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Total Estimated Expenses	=	\$57,500.00
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SCHEDULE 'B'

International Village Business Improvement Area
Schedule of Payments 1988

February 1	\$25,000
June 1	\$25,000
September 1	\$ 9,500
Shortfall	<u>\$10,500</u>
TOTAL	<u>\$70,000</u>

FOR ACTION

6d.

FROM E. W. Kowalski, Director
Community Development

DATE 1987 October 29

TO Planning & Development Committee

Refer To File No. 800-0014.12

Attention Of

Your File No.

SUBJECT

Barton General Business Improvement Area (B.I.A.) Community Improvement Plan; Commercial Facade Loan Programme and Commercial Improvement Programme.

RECOMMENDATION

- i) That the attached Community Improvement Plan for Barton Street East from Wellington to Wentworth Streets (Barton Street East One B.I.A.) attached hereto as Appendix 'A' be adopted in order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme; and,
- ii) That, the attached area (Schedule 'A') be adopted as a Community Improvement Project Area; and
- iii) That, the City Solicitor be hereby authorized and directed to prepare the requisite by-law; and,
- iv) That, the City Solicitor be hereby authorized to submit to the Province, Ministry of Municipal Affairs, the Community Improvement Plan for Barton Street East for their approval.

E. Kowalski

BACKGROUND

On 1987 June 23, By-law #87-178 was passed designating the area as a Business Improvement Area. Subsequent to this, on 1987 October 28 a Public Meeting was held to present the Community Improvement Plan. The Planning Act, Section 28, Sub-section 7 (1983) stipulates that, "For the purpose of carrying out the community improvement plan the municipality may make grants or loans to the registered owners or assessed owners of lands and buildings within the community improvement project area to pay for the whole or any part of the cost of rehabilitating such lands and buildings in conformity with the community improvement plan." In order to implement the Commercial Facade Loan Programme and the Commercial Improvement Programme within the Barton General B.I.A., the Community Improvement Plan must be adopted by by-law and approved by the Ministry of Municipal Affairs.

cc: Mr. P. M. Eker, City Solicitor's Department

APPENDIX "A"

BARTON GENERAL COMMUNITY IMPROVEMENT

PROJECT AREA

COMMUNITY IMPROVEMENT PLAN

OCTOBER 1987

BARTON GENERAL COMMUNITY IMPROVEMENT PROJECT AREA

PURPOSE:

TO ESTABLISH A PLAN FOR THE BARTON GENERAL COMMUNITY IMPROVEMENT PROJECT AREA IN ORDER TO IMPLEMENT THE CORPORATION OF THE CITY OF HAMILTON'S COMMERCIAL FACADE LOAN PROGRAMME AND THE COMMERCIAL IMPROVEMENT PROGRAMME.

PREFACE:

THE WITHIN PLAN CONSTITUTES THE CORRESPONDING COMMUNITY IMPROVEMENT PLAN FOR THE BARTON GENERAL COMMUNITY IMPROVEMENT PROJECT AREA WHICH ALSO WILL BE DESIGNATED BY BY-LAW, BY THE CITY OF HAMILTON COUNCIL.

INTRODUCTION:

WARDS (2) AND (3) ARE REFERENCED IN THE OFFICIAL PLAN, BARTON STREET EAST IS ONE OF THE MAJOR CONTINUOUS COMMERCIAL STRIPS IN THESE WARDS. TO ENCOURAGE CUSTOMERS TO UTILIZE THIS SERVICE, BUFFER TREATMENT IN THE FORM OF PLANTERS, HANGING FLOWER BASKETS, BENCHES AND POSSIBLY BRICK PAVERS, ETC. SHOULD BE IMPLEMENTED. THE OFFICIAL PLAN STATES: "COUNCIL WILL UNDERTAKE TO KEEP IN A FIT AND WELL MAINTAINED CONDITION ALL MUNICIPAL PROPERTIES AND OTHER PUBLIC WORKS." (SUB-SECTION C.5, S.4). AN IMPORTANT ASPECT OF IMPROVING VISUAL APPEARANCE OF THIS AREA INVOLVES UPGRADING OF EXISTING BUILDING FRONTS, NOT ONLY FROM THE POINT OF VIEW OF STREETScape, BUT ALSO A TOOL FOR MERCHANTS TO IMPROVE THEIR OWN IMAGES. SINCE THE AVERAGE AGE OF THE EXISTING BUILDINGS IS APPROXIMATELY (80) EIGHTY YEARS OF AGE, THERE IS A NEED TO ENCOURAGE INDIVIDUAL OWNERS OF BUILDINGS TO RENOVATE VIA STREETScape AND AVAILABILITY OF LOANS AND GRANTS I.E. FACADE LOAN, LOW-RISE, CONVERT-TO-RENT PROGRAMMES, COMMERCIAL IMPROVEMENT PROGRAMME.

IN ADDITION TO INCREASING THE ATTRACTIVENESS AND COMMERCIAL VIABILITY OF THE AREA, THROUGH STREETScape IMPROVEMENTS, RENOVATION WILL INCREASE THE UTILIZATION OF EXISTING BUILDINGS; PREVIOUSLY UNUSED SPACE CAN BE TRANSFORMED INTO OFFICE OR APARTMENTS, ADDING TO THE VARIETY AND SAFETY OF THE BARTON STREET EAST AREA. TOGETHER, PUBLIC AND PRIVATE EFFORTS WORK TOWARDS THE GOAL OF ESTABLISHING AN ATTRACTIVE AND ECONOMICALLY HEALTHY SHOPPING AND MULTI-FUNCTIONAL CENTRE FOR THE BARTON STREET, NORTH-EAST AREA OF HAMILTON.

AS WELL, THE CITY OF HAMILTON BY BY-LAW #87-178 PASSED THE 23RD DAY OF JUNE, 1987 ADOPTED A BUSINESS IMPROVEMENT AREA FOR BARTON STREET EAST FROM WELLINGTON TO WENTWORTH STREETS, WHICH IS SIMILAR, IN AREA, TO THE COMMUNITY IMPROVEMENT PROJECT AREA.

COMMERCIAL FACADE LOAN PROGRAMME BACKGROUND:

IN A REPORT SUBMITTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT DATED 1985 DECEMBER 10 AND INCLUDED IN ITS CAPITAL BUDGET SUBMISSION, THE PLANNING AND DEVELOPMENT COMMITTEE APPROVED THE ESTABLISHMENT OF A NEW COMMERCIAL FACADE LOAN PROGRAMME. SUBSEQUENTLY, CITY COUNCIL GAVE THE DEPARTMENT OF COMMUNITY DEVELOPMENT AUTHORIZATION TO PROCEED WITH IMPLEMENTATION OF THE COMMERCIAL FACADE LOAN PROGRAMME BY ADOPTING ITEM 10 OF THE TWELFTH REPORT FOR 1986 OF THE PLANNING AND DEVELOPMENT COMMITTEE, 1986 JUNE 24.

THE BARTON GENERAL BUSINESS IMPROVEMENT AREA, DESIGNATED AS A COMMUNITY IMPROVEMENT PROJECT AREA UNDER SECTION 28 OF THE PLANNING ACT, 1983, ALONG WITH THIS COMMUNITY IMPROVEMENT PLAN, ENABLES THE COMMERCIAL FACADE LOAN PROGRAMME TO BE IMPLEMENTED. THIS PROGRAMME IS DESIGNED TO PROVIDE LOW INTEREST LOANS TO OWNERS OF COMMERCIAL PROPERTIES LOCATED WITHIN BUSINESS IMPROVEMENT AREAS (B.I.A.'S). THE MAXIMUM LOAN AMOUNT IS ESTABLISHED AT \$15,000 PER MUNICIPAL ADDRESS AT AN INTEREST RATE OF ONE-HALF THE RATE AT WHICH THE CITY COULD BORROW THE MONEY. THE LOANS WILL BE AMORTIZED OVER TEN (10) YEARS. THE ATTACHED APPENDIX "B" CONSTITUTES THE COMMERCIAL FACADE LOAN PROGRAMME GUIDELINES. SCHEDULE "A" IS A MAP OF THE COMMUNITY IMPROVEMENT PROJECT AREA, OR AREA OF IMPLEMENTATION.

COMMERCIAL IMPROVEMENT PROGRAMME BACKGROUND:

AT ITS MEETING HELD 1986, AUGUST 13, THE PLANNING AND DEVELOPMENT COMMITTEE REQUESTED THE DEPARTMENT OF COMMUNITY DEVELOPMENT TO UNDERTAKE THE PREPARATION OF A LONG TERM STRATEGIC PLANNING AND MANAGEMENT PLAN FOR EVALUATING FINANCIAL REQUESTS FOR ACTIVE AND FUTURE BUSINESS IMPROVEMENT AREAS (B.I.A.'S) IN THE CITY OF HAMILTON. SUBSEQUENTLY, ON 1986 SEPTEMBER 10, THE DEPARTMENT OF COMMUNITY DEVELOPMENT PROVIDED A FOLLOW-UP REPORT AND CAPITAL BUDGET SUBMISSION ADDRESSING THE COMMERCIAL IMPROVEMENT PROGRAMME. ON 1987 JANUARY 29, CITY COUNCIL APPROVED THE DEPARTMENT OF COMMUNITY DEVELOPMENT'S CAPITAL BUDGET SUBMISSION OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000) PER YEAR FOR THE NEXT FIVE (5) YEARS FOR A TOTAL OF TWO MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000), FOR THE COMMERCIAL IMPROVEMENT PROGRAMME. CITY COUNCIL, AT ITS MEETING HELD 1987 MAY 26, ADOPTED ITEM #1 FROM THE 12TH REPORT OF THE EXECUTIVE COMMITTEE FOR 1987, RECOMMENDING THAT THE COMMERCIAL IMPROVEMENT PROGRAMME BE PROCEEDED WITH AT AN ESTIMATED GROSS COST OF TWO MILLION, FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000). BETWEEN FEBRUARY AND MAY OF 1987, SUBMISSIONS WERE ACCEPTED FOR THE PROGRAMME FROM ALL ELIGIBLE B.I.A.'S.

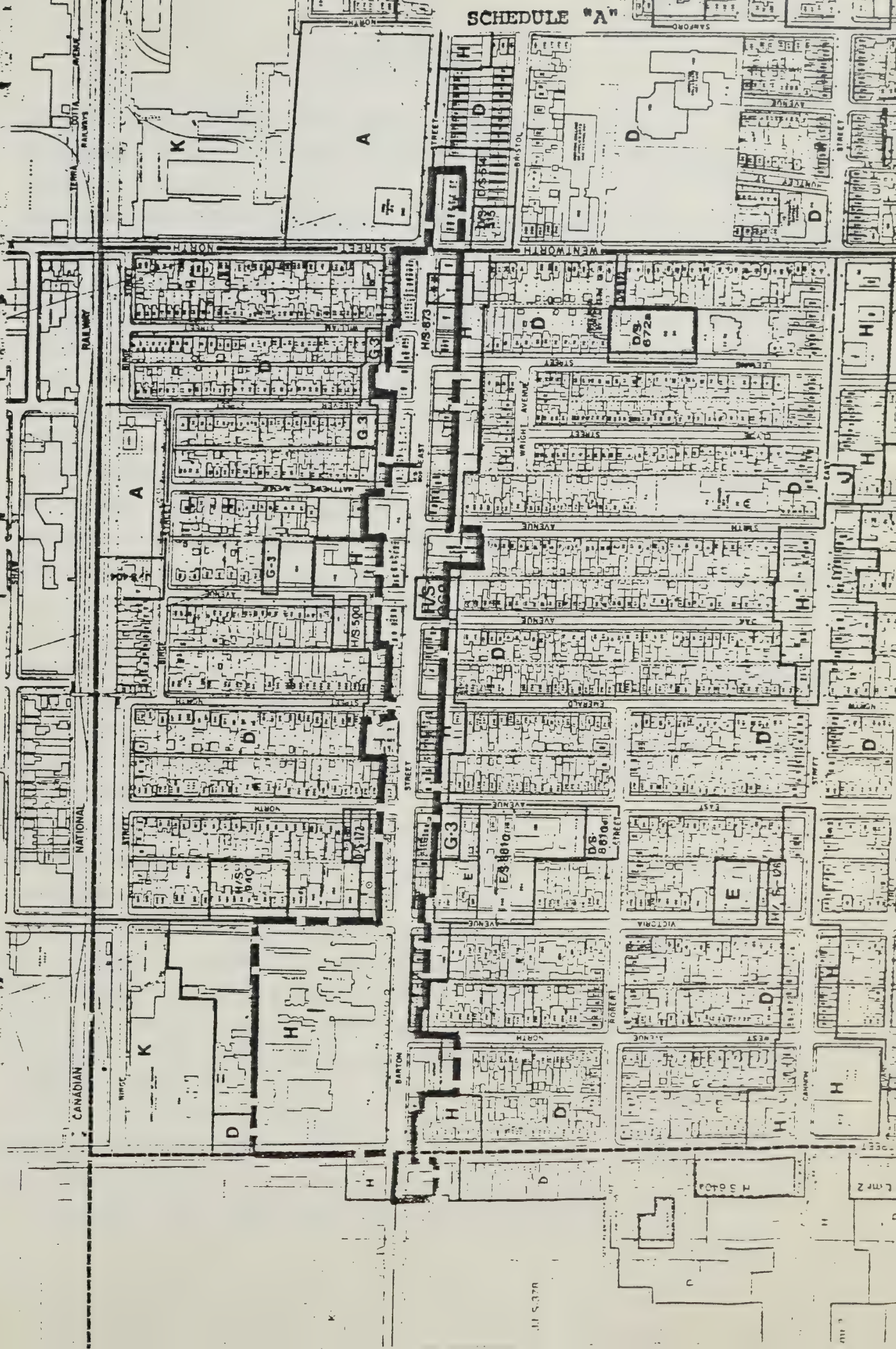
PRESENTLY, THERE ARE SIX (6) B.I.A.'S IN THE CITY OF HAMILTON:
I) INTERNATIONAL VILLAGE; II) OTTAWA STREET; III) WESTDALE
VILLAGE; IV) DOWNTOWN PROMENADE; V) JAMESVILLE; AND VI)
CONCESSION STREET. OTHER B.I.A.'S ARE EXPECTED TO BE FORMED OVER
THE NEXT FIVE (5) YEARS; HOWEVER, THEY WILL NOT BE ELIGIBLE FOR
THE COMMERCIAL IMPROVEMENT PROGRAMME UNTIL THEY HAVE BEEN IN
EXISTENCE FOR AT LEAST ONE (1) YEAR.

THE BARTON GENERAL B.I.A. WILL, THEREFORE, BE ELIGIBLE TO MAKE
SUBMISSIONS TO THE CITY OF HAMILTON IN 1988. ATTACHED AS
SCHEDULE 'C' IS THE COMMERCIAL IMPROVEMENT PROGRAMME AND
SELECTION CRITERIA.

CONCLUSION:

THE COMMUNITY IMPROVEMENT PLAN IS INTENDED TO BE ACTION ORIENTED, CONCENTRATING ON REHABILITATION OF EXISTING BUILDING FRONTAGES, RATHER THAN REDEVELOPMENT OR LARGE SCALE IMPROVEMENTS. OTHER IMPROVEMENT CHANGES WOULD INCLUDE MAINTENANCE AND CAMOUFLAGING OF UTILITY SERVICES AS STATED IN THE OFFICIAL PLAN: "UTILITY SERVICES SHOULD BE CAMOUFLAGED, AND IF APPROPRIATE, PLACED UNDERGROUND" (SUB-SECTION B.4,4.3). THE BEST APPROACH TO REVITALIZATION AND ENHANCEMENT OF BARTON STREET'S ROLE IN THE COMMERCIAL HIERARCHY OF THE CITY, IS TO RECOGNIZE THE INTER-RELATIONSHIP BETWEEN BUILDING FACADE STREETSCAPE DESIGN AND MARKETING STRATEGY. WITH THIS IN MIND, THE COMMUNITY IMPROVEMENT PLAN IS FORMULATED WITH A VIEW TO BALANCING THE INTER-RELATED CONCERNS.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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GUIDELINES

- LIMITED TO BUSINESS IMPROVEMENT AREAS (B.I.A.'s).
- ALL LOANS AT AN INTEREST RATE HALF OF THE CITY'S PRIME BORROWING RATE.
- MAXIMUM LOAN AMOUNT \$15,000. FOR FACADE AND EXTERIOR RENOVATION.
- MAXIMUM LOAN FOR FACADE \$10,000.
- LOAN AMORTIZED OVER TEN YEARS (OPEN).
- THE BUILDING ENVELOPE WOULD BE INSPECTED, INCLUDING EXTERIOR SHELL (FOUNDATION, EXTERIOR WALLS, ROOF, FIRE ESCAPES AND CHIMNEYS). ANY DEFICIENCIES WOULD HAVE TO BE CORRECTED BEFORE FACADE IMPROVEMENTS (STORE FRONTS, AESTHETICS, SIGNAGE, ETC.) WOULD BE CONSIDERED.
- LOAN SECURED BY LIEN ON TITLE. PROFESSIONAL FEES (ARCHITECTS, ENGINEERS, APPRAISERS, SOLICITORS, ETC.) ELIGIBLE EXPENSE.
- OWNERS ONLY COULD MAKE LOAN. HOWEVER, TENANTS COULD WORK WITH LANDLORDS, BUT LANDLORD MUST TAKE THE FINANCIAL COMMITMENT.
- EQUITY MUST BE SUFFICIENT TO COVER OUTSTANDING PROPERTY COMMITMENTS INCLUDING CITY LIEN.
- REPAYMENT WILL BE ON A MONTHLY BASIS BUT OPEN TO FULL REPAYMENT AT ANY TIME AT NO PENALTY.
- ALL MONEY COLLECTED ON REPAYMENT TO BE PLACED IN A RECYCLABLE ACCOUNT TO CONTINUE PROGRAMME AFTER ORIGINAL CAPITAL BUDGET ALLOCATION.
- MAXIMUM LOAN TO ANY ONE OWNER \$50,000.
- UNIT ELIGIBILITY WILL BE BASED ON LATEST REVISED BUSINESS ASSESSMENT ROLLS.
- LOANS TRANSFERABLE TO NEW OWNER PROVIDING NEW OWNER MEETS AND AGREES TO TERMS AND CONDITIONS OF LOAN.
- THE OWNER WILL OBTAIN TWO ESTIMATES FOR BUILDING ENVELOPE BASED ON INSPECTION, AND TWO FOR FACADE IMPROVEMENTS WANTED BY OWNER. (THE BUILDING DEPARTMENT WILL APPROVE THE ESTIMATES BASED ON THEIR INSPECTION). A FULL REPORT WILL BE PREPARED BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT INCORPORATING OUR RECOMMENDATIONS AND THE BUILDING DEPARTMENT'S. THESE, WITH THE APPLICATION, WILL THEN BE FORWARDED TO THE PLANNING AND DEVELOPMENT COMMITTEE AND CITY COUNCIL FOR APPROVAL.

- PROPERTY TAXES MUST BE CURRENT.
- IF COST OF FACADE IMPROVEMENT EXCEEDS \$1,000., THE OWNER WILL BE REQUESTED TO OBTAIN THE SERVICE OF A DESIGN CONSULTANT TO ENSURE COMPATIBILITY WITH THE SURROUNDING PROPERTIES. ANY COST FOR THIS SERVICE WILL BE ELIGIBLE FOR FUNDING UNDER THE PROGRAMME.
- ONLY COMPLETED WORK WHICH HAS BEEN INSPECTED WILL BE PAID FOR.
- EXTERIOR REHABILITATION WORK WILL, IF AT ALL POSSIBLE, BE DONE FIRST BEFORE FACADE IMPROVEMENT.

SCHEDULE "C"

COMMERCIAL IMPROVEMENT PROGRAMME
FOR
THE BUSINESS IMPROVEMENT AREAS
(B.I.A.'S)
IN THE CITY OF HAMILTON

DEPARTMENT OF COMMUNITY DEVELOPMENT
1986 AUGUST

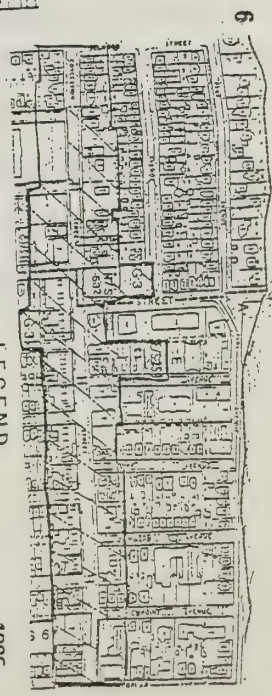
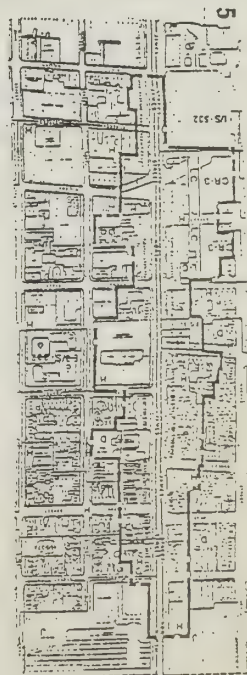
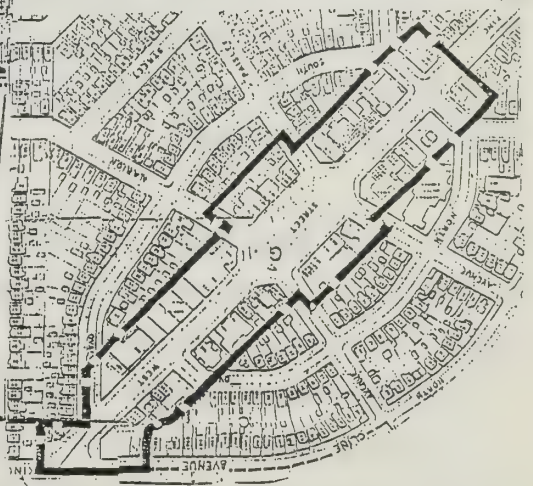
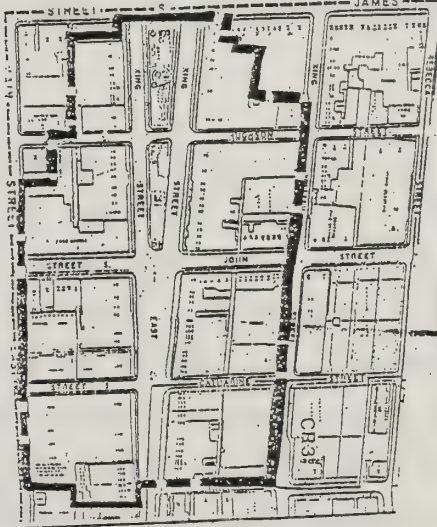
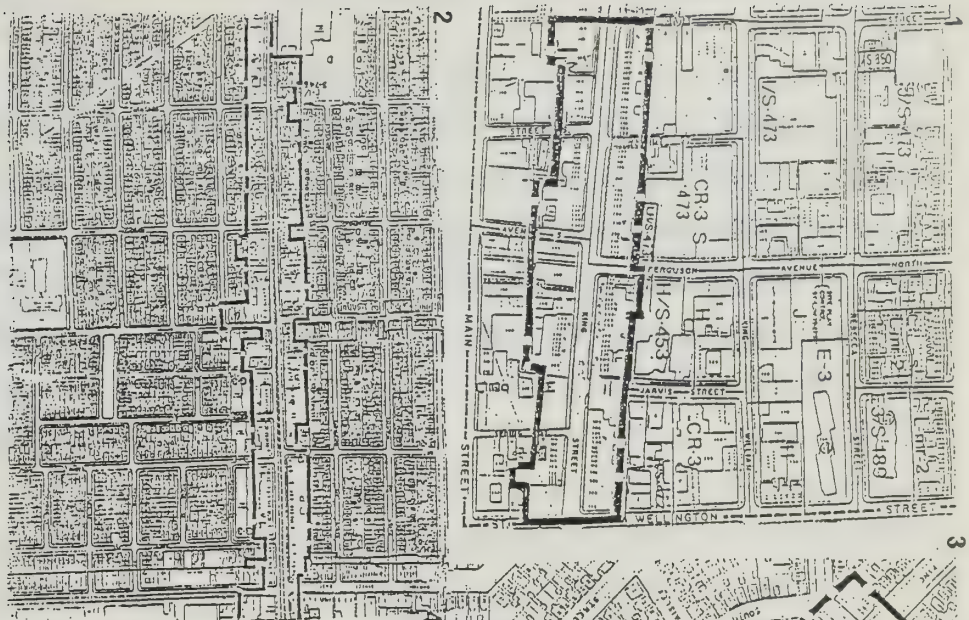
I N D E X

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WHAT IS A B.I.A.?

THE B.I.A. OR BUSINESS IMPROVEMENT AREA IS A BUSINESS COMMUNITY DESIGNATED BY CITY COUNCIL, UNDER JURISDICTION OF SECTION 217 OF THE MUNICIPAL ACT. LOCAL BUSINESS AND RETAIL DISTRICTS ARE THUS PROVIDED WITH THE NECESSARY LEGISLATION TO PROMOTE AND UPGRADE MUNICIPALLY OWNED LANDS IN THEIR COMMERCIAL AREAS. EACH B.I.A. MUST HAVE AN EXECUTIVE BOARD. ACCORDING TO THE MUNICIPAL ACT, AT LEAST ONE WARD ALDERMAN IS A MEMBER. IT IS THE CITY OF HAMILTON'S PRACTISE TO HAVE REPRESENTATION BY ALL AFFECTED WARD ALDERMEN.

THE OFFICIAL PLAN STATES, "IT IS THE GENERAL INTENT OF THE PLAN THAT COMMERCIAL DEVELOPMENT OCCUR IN AN ORDERLY MANNER, CONSISTENT WITH THE NEEDS OF THE COMMUNITY. THE PLAN PROMOTES A HEIRARCHY OF COMMERCIAL CATEGORIES TO BEST SERVE THE RESIDENTS OF THE CITY, AND TO RECOGNIZE AND ACCOMMODATE THE LOCATIONAL, TRADE AREA OR SPECIAL REQUIREMENTS OF BUSINESSES OF VARYING SIZE AND FUNCTION. THE PLAN PROMOTES A HIGH AESTHETIC QUALITY IN ALL COMMERCIAL AREAS AND ENDEAVOURS TO MINIMIZE THEIR IMPACTS ON ADJACENT LAND USES, MOST IMPORTANTLY, RESIDENTIAL USES."



Area	Number of persons	1986 TOTAL BUDGET
1. International Village	106	\$50,000
2. Ottawa Street	154	\$75,000
3. Westdale	82	\$12,000
4. Downtown Promenade	263	\$125,000
5. Jamesville	195	\$49,000
6. Concession Street	101	\$12,000

LEGEND

EXISTING B.I.A.'s AND PRIORITIES:

THE CITY OF HAMILTON NOW HAS SIX B.I.A.'s ALL OF WHICH ARE IN THE PROCESS OF BECOMING COMMUNITY IMPROVEMENT PROJECT AREAS. THESE ARE: 1) INTERNATIONAL VILLAGE, 2) OTTAWA STREET, 3) WESTDALE, 4) DOWNTOWN PROMENADE, 5) JAMESVILLE AND 6) CONCESSION STREET. THE "CENTRAL POLICY AREA", WITH RESPECT TO THE OFFICIAL PLAN INCLUDES JAMESVILLE, DOWNTOWN PROMENADE AND INTERNATIONAL VILLAGE B.I.A.'s. THE OFFICIAL PLAN STATES "THE CENTRAL POLICY AREA IS RECOGNIZED AS THE HIGHEST LEVEL IN THE COMMERCIAL HEIRARCHY AND IS PROMOTED AS THE PRINCIPAL RETAIL CENTRE FOR BOTH THE CITY AND THE REGION, OFFERING THE WIDEST RANGE OF GOODS AND SERVICES". "FURTHER, THE PLAN PROMOTES SHOPPING CENTRES OF VARYING SIZES, RANGING FROM SUB REGIONAL SHOPPING CENTRES DOWN TO THE SMALLER NEIGHBOURHOOD SHOPPING CENTRES".

AMONG THE CONCERNS OF THE B.I.A.'s I.E., GRANTS TO HIRE STAFF, PARKING, SECURITY, LIGHTING, BEAUTIFICATION, KIOSKS OR INFORMATION BOARDS AND THE COMMERCIAL FACADE LOAN PROGRAMME (REFER TO APPENDIX 'A') THE PREDOMINANT ISSUE IS PARKING. THE OFFICIAL PLAN STATES, "IT IS INTENDED THAT ALL COMMERCIAL AREAS BE READILY AND SAFELY ACCESSIBLE AND BE PROVIDED WITH ADEQUATE PARKING AND LOADING FACILITIES". SINCE MANY OF THE B.I.A. PARKING AREAS ARE CLOSE TO RESIDENTIAL AREAS, BUFFER TREATMENTS AND PARKING GO HAND-IN-HAND. THE OFFICIAL PLAN STATES, "ACCESS DRIVE AND PARKING WILL BE SCREENED AND/OR BUFFERED SUCH THAT NOISE, LIGHT OR UNDESIRABLE VISUAL IMPACTS EMANATING FROM NEIGHBOURING COMMERCIAL USE ARE MITIGATED". FOR THOSE B.I.A.'s WHICH HAVEN'T HAD ANY PHYSICAL IMPROVEMENTS DONE, IN TERMS OF BEAUTIFICATION, THIS IS THEIR NEXT PRIORITY .

B.I.A. ROAD CONSTRUCTION:

MANY OF THE B.I.A.'S HAVE PARKING AND BEAUTIFICATION SLOTTED IN THE TOP POSITIONS ON THEIR LIST OF PRIORITIES. ROADS AND SIDEWALKS ARE AN EXTENSION OF THIS. APPENDIX 'B' ILLUSTRATES THE VARYING NEEDS OF THE B.I.A.'S BASED UPON CURRENT COMPLETED CONSTRUCTION.

PHYSICAL OBSERVATION AND FUTURE TRENDS:

STAFF OF COMMUNITY DEVELOPMENT, IN TOURING THE B.I.A.'S TO TAKE A PHYSICAL INVENTORY OF WHAT WAS PRESENT, FUTURE NEEDS AND IMPROVEMENTS WERE CONSIDERED. POSSIBLE UPCOMING NEEDS COULD BE AS FOLLOWS:

INTERNATIONAL VILLAGE B.I.A. (GENERALLY, BOUNDARIES ARE KING STREET EAST BETWEEN WELLINGTON AND MARY STREETS INCLUDING 16 JARVIS STREET):

- FACADE IMPROVEMENTS
- CLEAN UP OF STREETS AND SIDEWALKS
- PROVISION OF MORE BENCHES
- RESURFACE ROAD
- BUFFER TREATMENT FOR EXISTING PRIVATE AND PUBLIC PARKING LOTS INCLUDING VISIBLE SIGNAGE
- SOMETHING SHOULD BE DONE WITH UNUSED, OLD, RUNDOWN VACANT BUILDINGS
- MINI PARKETTE AREA (E.G. WELLINGTON PARK)
- "OLDE KING STREET EAST" DECORATIVE PLAQUES INSTALLED
- REMOVE OLD OBTRUSIVE STORE SIGNAGE

DOWNTOWN PROMENADE B.I.A. (GENERALLY, BOUNDARIES ARE KING STREET EAST FROM JAMES TO MARY STREETS INCLUDING PART OF MAIN STREET, HUGHSON STREET, KING WILLIAM, JOHN AND CATHARINE STREETS):

- GENERAL CLEAN-UP OF AREA
- INTEGRATION OF BUS SHELTERS AT STRATEGIC LOCATIONS
- REVIEW OF STREET CLOSING FOR PEDESTRIAN MALLS
- REMOVE "STOP" LIGHTS ON KING STREET AND IMPROVE PEDESTRIAN SAFETY AND TRAFFIC FLOW I.E., INSTALL BRIDGE WALKWAY

JAMESVILLE B.I.A. (GENERALLY, BOUNDARIES ARE JAMES STREET NORTH, KING WILLIAM TO MURRAY STREET):

- GENERAL CLEAN-UP OF AREA - I.E., STREETS, ROADS, REMOVE LITTER, WASH AREA
- RENEWAL OF SIDEWALK SURFACE
- PROVISION OF BANNERS (APPROVED BY CITY COUNCIL 1986 MAY 27, ELEVENTH PLANNING AND DEVELOPMENT COMMITTEE REPORT FOR 1986)
- INSTALL PLANTS AND FLOWER POTS
- INSTALL CORNER PARKETTE
- INSTALL BENCHES
- INSTALL LITTER CONTAINERS
- REMOVE OLD POLES AND HAVE NEW TRILIGHT POLES
- REMOVE OVERHEAD WIRING (INSTALLED UNDERGROUND)
- INCREASE OFF-STREET PARKING AND/OR VISIBILITY OF PARKING
- BUFFER TREATMENTS FOR PARKING LOTS
- FACADE IMPROVEMENTS
- ENCOURAGE RESTORATION OF HERITAGE FEATURES
- IMPROVEMENT OF STORE SIGNAGE
- * MANY OF THESE CONCERNS COULD BE FEATURED IN PHASE V OF THE DOWNTOWN ACTION PLAN

OTTAWA STREET B.I.A. (GENERALLY, BOUNDARIES ARE OTTAWA STREET NORTH, MAIN STREET TO BARTON STREET):

- INSTALL BANNERS
- RESURFACE ROAD
- INSTALL NEW SIDEWALKS WITH BRICK WORK
- INSTALL FLOWER POTS
- INCREASE NUMBER OF LITTER CONTAINERS
- REMOVE OVERHEAD WIRING (INSTALL UNDERGROUND)
- INSTALL NEW LIGHT FIXTURES AND POLES TO COMPLIMENT AREA
- INSTALL LONG PLEXIGLASS AWNING ON BOTH SIDES OF OTTAWA STREET WITH MUSIC PIPED IN
- BUFFER EXISTING PARKING LOTS
- INSTALL BUS SHELTERS - PLEXIGLASS
- GENERAL CLEAN-UP OF AREA, I.E. WASH STREET AND SIDEWALKS
- FACADE IMPROVEMENTS

CONCESSION STREET B.I.A. (GENERALLY, BOUNDARIES ARE CONCESSION STREET, BELWOOD STREET TO POPLAR AVENUE):

- INCREASE NUMBER OF LITTER CONTAINERS ON ONE SIDE OF THE STREET
- RESURFACE THE ROAD
- INSTALL AWNINGS IN THE COLOURS OF THE B.I.A. LOGO
- INSTALL MORE TREES AND FLOWERS
- REMOVE OVERHEAD WIRING (INSTALL UNDERGROUND)
- INCREASE "OLD FASHIONED POST LIGHTING"
- INCREASE PARKING - OFF STREET
- BUFFER EXISTING PARKING LOTS
- INSTALL PLEXIGLASS BUS SHELTERS TO COMPLIMENT AREA

WESTDALE VILLAGE B.I.A. (GENERALLY, BOUNDARIES ARE KING STREET WEST, CLINE STREET TO STERLING STREET):

- INSTALL BANNERS
- REMOVE WIRING OVERHEAD AND INSTALL UNDERGROUND
- INSTALL NEW LIGHTING CONSISTENT WITH "VILLAGE" CONCEPT
- INCREASE SHRUBS AND FLOWERS
- INSTALL PLEXIGLASS BUS SHELTERS OR SOMETHING TO COMPLIMENT AREA
- BUFFER EXISTING PARKING LOTS IN ARCADE AREA
- REMOVE STREET PARKING METERS
- INCREASE PARKING LOTS
- INSTALL CORNER PARKETTES AT ARCADE INTERSECTIONS
- INSTALL BENCHES
- INSTALL LITTER CONTAINERS
- "WESTDALE VILLAGE" DIRECTIONAL SIGNAGE INTO THE AREA FROM KING AND MAIN STREETS TO BE INSTALLED

FUNDING

THERE ARE MANY FACTORS TO CONSIDER WHEN SETTING A PRIORITY SYSTEM TO ASSIST THE B.I.A.'S IN FINANCIAL TERMS. THE FOLLOWING MAY NEED TO BE ADDRESSED:

- SHOULD FUNDING BE ALLOCATED BASED ON THE AGE OF THE B.I.A. I.E. OLDEST FIRST (IN WHICH CASE INTERNATIONAL VILLAGE IS THE OLDEST WITH CONCESSION STREET AND DOWNTOWN PROMENADE TO FOLLOW, THEN JAMESVILLE AND THE YOUNGEST BEING WESTDALE AND OTTAWA STREET) OR THE AGE OF THE COMMERCIAL AREA?
- SHOULD FUNDING FOR SOFT SURFACES BE ON A 75/25 BASIS WITH AN AGREEMENT BETWEEN THE CITY AND THE B.I.A.? (HARD SURFACES - CITY/REGION RESPONSIBILITY)
- SHOULD THE CITY REQUEST A STUDY PLAN FROM THE B.I.A. AS PART OF THEIR CONTRIBUTION?
- SHOULD THE CITY ADDRESS ACCORDING TO THE PRIORITY GIVEN TO NEEDS ASSESSED I.E. ROAD AND SIDEWALK SERVICES COMPLETED THEN CONSIDER BEAUTIFICATION?
- SHOULD EACH B.I.A. BE GRANTED "X" NUMBER OF DOLLARS BASED ON THEIR SIZE AND ALLOW THEM TO SPEND IT BASED ON THEIR OWN SET OF PRIORITIES?
- INTERNATIONAL VILLAGE, JAMESVILLE AND DOWNTOWN PROMENADE B.I.A.'S HAVE BEEN GIVEN PRIORITY SINCE THEY ARE IN THE "CENTRAL POLICY AREA"

POTENTIAL B.I.A.'s:

THE CITY OF HAMILTON HAS UNDERGONE EXTENSIVE REDEVELOPMENT IN THE PAST FEW YEARS. AS A RESULT, BUSINESS ASSOCIATIONS HAVE AN INCREASED DESIRE TO BETTER THEIR OWN COMMERCIAL AREAS. THIS DISPLAYS ITSELF IN HAMILTON'S SIX B.I.A.'S AND FOUR POTENTIAL B.I.A.'S THESE FOUR BEING JAMES STREET SOUTH, BARTON STREET, HESS VILLAGE AND LOCKE STREET.

PRESENTLY, JAMES STREET SOUTH AND BARTON STREET HAVE CONTACTED THE DEPARTMENT OF COMMUNITY DEVELOPMENT FOR INFORMATION TO FORM A B.I.A. IN THEIR AREA. HESS VILLAGE MERCHANTS HAVE MET WITH STAFF FROM THE DEPARTMENT OF COMMUNITY DEVELOPMENT BUT NO DECISION HAS BEEN MADE, ON THE PART OF THE MERCHANTS, WHETHER TO FORM A B.I.A. OR NOT. LOCKE STREET, PREVIOUSLY, TRIED TO FORM A B.I.A. BUT DUE TO SUFFICIENT OBJECTIONS FROM MERCHANTS IN THE AREA, THE B.I.A. COULD NOT BE ADOPTED. THERE MAY BE A REKINDLING ATTEMPT TO FORM A B.I.A. IN THE FUTURE.

OTHER TRADITIONAL BUSINESS AREAS LACKING ASSISTANCE AND MUNICIPAL RECOGNITION AS A VIABLE AREA MAY INCLUDE KENILWORTH AVENUE, UPPER JAMES NORTH OF FENNEL, PARKDALE AVENUE AND MAIN STREET WEST OF COOTES DRIVE.

SUMMARY

IN CONSIDERING THE AFOREMENTIONED, LARGE PROJECTS MAY NEED TO BE "PHASED IN" DUE TO THE COST AND WORK TO BE DONE. ROAD AND SIDEWALK RENEWAL COULD BE ABSORBED BY THE ENGINEERING DEPARTMENT I.E., THEIR ROAD RESURFACING SCHEDULE. THE APPROXIMATE COST FOR ROAD AND CURB RECONSTRUCTION, BASED ON FOUR LANE ROADS, WOULD BE \$270. TO \$300./LINEAR FOOT.

AESTHETIC IMPROVEMENTS COULD RANGE IN COST FROM \$0.00 - \$500.00 LINEAR FOOT.

THE TERM LINEAR METRE DENOTES ONE METRE IN LENGTH, BUT INCLUDES THE ENTIRE ROAD/SIDEWALK.

APPENDIX 'A'

<u>B.I.A.</u>	<u>CONCERN IDENTIFIED BY B.I.A.</u>	<u>PRIORITY</u>
INTERNATIONAL VILLAGE	PARKING	1
	GRANTS TO HIRE STAFF	2
	LIGHTING	3
	BEAUTIFICATION	4
	INFORMATION BOARDS	5
	SECURITY	6
	FACADE LOAN PROGRAMME	7
OTTAWA STREET	PARKING	1
	BEAUTIFICATION	2
	SECURITY	3
	GRANTS TO HIRE STAFF	4
	FACADE LOAN PROGRAMME	5
	LIGHTING	6
	INFORMATION BOARDS	7
WESTDALE VILLAGE	PARKING	1
	BEAUTIFICATION	2
	LIGHTING	3
	SECURITY	4
	FACADE LOAN PROGRAMME	5
	GRANTS TO HIRE STAFF	6
	INFORMATION BOARDS	7

APPENDIX "B"

**AREA
B.I.A.**

SIDEWALK

ROAD

INTERNATIONAL VILLAGE - KING STREET EAST BETWEEN MARY AND WELLINGTON STS. - JARVIS ST.	1985 1976	1969 1976
OTTAWA STREET - OTTAWA STREET BETWEEN MAIN AND BARTON STREETS	1960	1960
WESTDALE VILLAGE - KING STREET WEST EAST LEG OF CLINE TO STERLING STREET	1986	1986
DOWNTOWN PROMENADE - KING ST. E., JAMES TO MARY ST. - KING WILLIAM, JAMES TO MARY ST. - KING WILLIAM JAMES TO JOHN - KING WILLIAM JOHN TO CATHARINE - MAIN ST. E., JAMES TO JOHN - HUGHSON ST. (MAIN TO KING) - HUGHSON ST. (KING TO KING WILLIAM) - CATHARINE ST.	1984 1984 1985 1986 1973 1986 1978 1986	1969 1957 1957 1986 1973 1969 1978 1986

APPENDIX 'B' CONTINUED

AREA
B.I.A.

SIDEWALK

ROAD

JAMESVILLE - JAMES ST. - VINE TO MURRAY STREET	1964	1973
CONCESSION STREET - CONCESSION ST. - POPLAR TO BELWOOD ST.	1986	1969



NOV 11 - 1987

7a

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 November 4
Name & Title

FOR ACTION ☐ X FOR INFORMATION ☐ File No. (4505)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

**Sale - Lot 43, Plan M-227 - Hamilton Industrial Park #1
- Lancing Drive - Elio & Maria Angela Pietrantonio -**

RECOMMENDATION

That an Offer to Purchase the lands of The Corporation of the City of Hamilton, Lot 43, Plan M-227, Hamilton Industrial Park No. 1 located on Lancing Drive, duly executed on November 2, 1987 by the Purchasers, Elio Pietrantonio and Maria Angela Pietrantonio and scheduled for closing on January 26, 1988 be approved and completed.

Note: The purchase price is \$65,000.00. A deposit cheque in the amount of \$7,695.00 is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the northern limit of Lancing Drive, having a frontage of 197.53 feet by a depth of 375.44 feet/377.12 feet and containing an area of 1.71 acres.

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, which terms should be included in the Committee's resolution to City Council.

M. J. W. Watson
D. W. Vyce

BACKGROUND

The Region has authorized our department to proceed with the acquisition of Mr. Pietrantonio's property at 91 Arbour Road, which is required for the First Phase of the East/West-North/South Corridor. As Mr. Pietrantonio operates his sewer contracting business from 91 Arbour Road, he has approached the City with a view of purchasing a 1.7 acre lot in the Industrial Park to relocate his operation.

BACKGROUND - Continued...

We are recommending this sale based on a sale price of \$38,011.00 per acre, which is a reduction from our asking price of \$50,000.00 per acre due to the fact that the rear of this lot is low and will require additional fill to bring it to grade level. Another factor in the price reduction is that Lancing Drive is not physically constructed to the full width of Lot 43 (197.53 feet). It only has 125 feet of road access. Mr. Pientrantoni will have to alter his plans for the building in order to allow sufficient room for ingress and egress utilizing the reduced road frontage.

Mr. Pietrantoni plans to build a 12,000 square foot building for his sewer contracting business which will employ 12 people.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
 - Mr. M. Chidley, Regional Surveyor

OFFER TO PURCHASE

I/We ELIO PIETRANTONI AND MARIA ANGELA PIETRANTONIO of the City of Hamilton
in the Regional Municipality of Hamilton-Wentworth hereinafter called the Purchaser,
hereby agree to and with THE CORPORATION OF THE CITY OF HAMILTON,
hereinafter called the Vendor,

to purchase all and singular that certain parcel or tract of land and premises
situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth
and being composed of Lot 43, Plan M-227, said parcel having a frontage of 197.53
feet along the northern limit of Lancing Drive, by a depth of 375.44 feet/377.12 feet
and containing an area of 1.71 acres, as shown in heavy outline on the attached plan.

at the price of SIXTY-FIVE THOUSAND-----DOLLARS (\$ 65,000.00-----)
of lawful money of Canada, payable as follows:-

- (a) A deposit of SEVEN THOUSAND, SIX HUNDRED & NINETY-FIVE DOLLARS (\$ 7,695.00-----)
by certified cheque payable to the Vendor.
- (b) The balance of the purchase price namely FIFTY SEVEN THOUSAND-----
THREE HUNDRED & FIVE-----DOLLARS (\$ 57,305.00-----)
with interest as hereinafter provided, and subject to
adjustments, by certified cheque on the closing of this transaction.

Provided that this Offer to Purchase is subject to the following conditions:-

- 1. This Offer shall be irrevocable by the Purchaser and may be accepted by the
Vendor up to but not after the 1st day of December 19 87 , by
a letter mailed or delivered to the Purchaser at c/o Mr. Philip Castrodale,
Barrister & Solicitor, 20 Hughson St. S., Suite 1008, Hamilton, Ontario L8N 2A1
- 2. In the event that this Offer is not accepted, this Offer and everything herein
contained shall be null and void and no longer binding upon any of the parties
hereto and the deposit shall be returned by the Vendor without interest and the
Vendor shall not be liable for any damages or costs.
- 3. In the event of and upon the acceptance of this Offer, this Offer and the letter
of acceptance shall be a binding contract of purchase and sale and shall be
completed in accordance with the terms hereof.
- 4. The title is good and free from all encumbrance, except as to any registered
restrictions or covenants.
- 5. The Purchaser is not to call for the production of any title deeds, abstract or
evidence of title except such as are in the possession of the Vendor.
- 6. The Purchaser is to be allowed thirty days from the date of acceptance of such
Offer to examine the title at his own expense. If within that time any valid
objection to title is made in writing to the Vendor, or its Solicitor, which the
Vendor shall be unable or unwilling to remove and which the Purchaser will not
waive, the contract arising out of the acceptance of this Offer shall,
notwithstanding any intermediate acts or negotiations in respect of such
objections, be null and void and all monies shall be returned by the Vendor
without interest and it shall not be liable for any damages or costs. Save as
to any valid objection so made within such time the Purchaser shall be
conclusively deemed to have accepted the title of the Vendor to the real property.

6.1. The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the transfer to him:

- (a) to pay municipal, realty and business taxes;
- (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
- (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
- (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
- (e) to pay building permit application fee;
- (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
- (g) to pay for the connection of all utilities to the premises;
- (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
- (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
- (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.

6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.

6.3 In consideration for the transfer of the hereinbefore described land to the transferee, in addition to payment of the sale price to the transferor, the transferee covenants and agrees to and with the transferor:

1. That the transferee shall commence construction of a building, having a minimum building area of 12,000 square feet, upon the hereinbefore described land by not later than July 26, 1988

Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the transferee shall complete construction of the said building by not later than July 26, 1989

The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

3. That no transfer of the hereinbefore described land shall be made by the transferee until The Corporation of the City of Hamilton confirms that covenants 1 and 2 have been complied with.

Continued.....1(b)

4. In the event that the transferee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the transferee covenants and agrees that the transferee shall sell the lands to the transferor, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the transferor, for the sale price herein, (without any interest) - less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.
5. The said transferor as registered owner and the said transferee hereby apply to request and authorize the Land Registrar to have Notice of the covenants set out above entered on the Register of the land being transferred herein to the said transferee.
- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the transfer to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.
- 6.6 With respect to Lot 43's 197 foot frontage on Lancing Drive, the Purchaser of Lot 43 acknowledges:
 - (a) that the portion of Lancing Drive adjacent to and in front of the Easterly 70 feet, more or less of the Lot 43's frontage on Lancing Drive is, at this time, an unimproved steep hill in no condition whatsoever (neither graded, gravelled nor paved) so as to permit any vehicular or pedestrian movement to or from the Easterly 70 foot frontage, more or less of Lot 3 and Lancing Drive;
 - (b) that due to this condition of the said 70 foot portion more or less of the adjacent Lancing Drive that the City may, in its discretion, now or in the future, decide to stop-up, close, retain and/or dispose of that unimproved portion of Lancing Drive; and,
 - (c) that until the privately owned land lying to the East of the Easterly dead-end limit of Lancing Drive is acquired and/or dedicated to the City and assumed by the City of highway purposes so as to permit the extension of Lancing Drive including the grading and surfacing of the portion thereof in front of and adjacent to the Easterly 70 foot frontage more or less of Lot 43: (i) that it is uneconomic for the City to grade, surface or keep in repair, the said Easterly 70 foot portion, more or less of Lancing Drive;
(ii) that Lot 43 is being sold to him for the sale price herein and on the other terms hereof on this understanding; and,
(iii) the Purchaser hereby agrees that he will not and shall not require for access to his Lot 43, any portion of the said Easterly 70 feet, more or less of Lancing Drive.

7. This transaction shall be closed on or before the 26th day of January 1988
8. On the closing of this transaction, the Vendor will convey the said lands to the Purchaser by a good and sufficient deed thereof in fee simple, free and clear of dower rights and all encumbrances, except as to any registered restrictions or covenants, and shall deliver vacant possession of the said lands to the Purchaser free of all tenancies.
9. The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in paragraph 7 hereof.
10. Pending completion of this transaction, the Vendor will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the Purchaser may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Offer whether accepted or not and have all monies theretofore paid returned without interest.
11. The deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee the deed or transfer is to contain trustee covenants only.
12. This agreement and its acceptance is to be read with all changes of gender or number required by the context.
13. In the event of failure of the Purchaser to complete this transaction by the date set out in paragraph 7 hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder.
14. Any tender of documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.
15. It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

Time shall be of the essence of this Agreement, which shall enure to the benefit of and be binding upon the Purchaser, his heirs, executors, administrators, successors and assigns, and shall enure to the benefit of and be binding upon the Vendor, its successors and assigns.

DATED at HAMILTON this 2nd day of November 19 87

SIGNED, SEALED AND DELIVERED)

in the presence of

ELIO PIETRANTONI

(Seal)

MARIA ANGELA PIETRANTONI

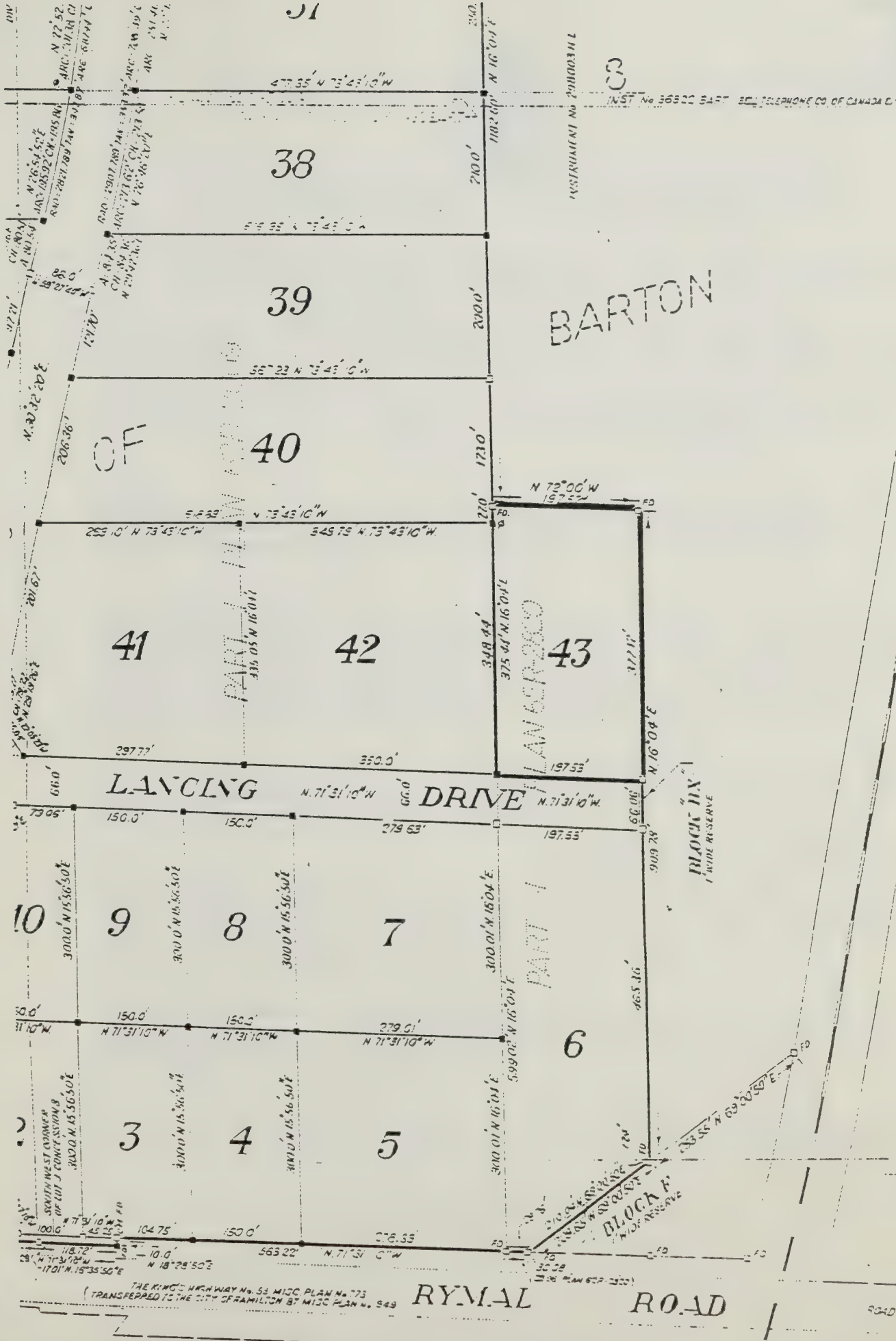
(Seal)

(Seal)

Angeline Capicione
Name of Purchaser's Solicitor Mr. Philip Castrodale

20 Hughson St. S., Suite 1008
Address of Purchaser's Solicitor Hamilton, Ontario, L8N 2A1 (523-7903)

3/27/84



BARTON

LANCING DRIVE

RYMAL ROAD

THE KING'S HIGHWAY No. 53 MISC. PLAN No. 773
TRANSFERRED TO THE CITY OF HAMILTON BY MISC. PLAN No. 849

BLOCK IN
1' WIDE RESERVE

BLOCK IN
1' WIDE RESERVE

LAN 657-2500

PART 1

PART 1

OF

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OCT 21 1987

7b.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 October 22
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 20.1.281

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Sale Vacant City Land - South Side York Street between
Hess and Queen Streets - to Douglas L. Nash and Brian W. Morison

RECOMMENDATION

That an Offer to Purchase an irregular shaped parcel of vacant land located on the southerly limit of York Boulevard between Hess Street North and Queen Street North to Douglas L. Nash and Brian W. Morison, scheduled for closing on or before October 29, 1987, be extended to close on or before January 14, 1988.

The extension is to be granted on the understanding that all other terms and conditions agreed to within the Offer to Purchase will remain unchanged, and time will remain of the essence.

Mr. J. W. Taylor
For D. W. Vyce

BACKGROUND

The subject transaction which was approved by Council on May 26, 1987 is subject to "Site Plan Control". It was understood and agreed therein that the City would provide a reference plan based on a current survey of the lands being sold.

Through inadvertence, the City was unable to deliver the required Reference Plan until currently and whereas the site plan agreement remains outstanding, the transaction is unable to close as originally scheduled.

We are recommending extension into January to offset the usual time lapses characteristic to the Christmas season generally.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor



OCT 28 1987

7c.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 October 27
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 20.1.287 (4505)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Lot 40, Plan M-227 - Hamilton Industrial Park #1 - Nebo Road
J. Piano, Lupo Mucci and Joe Licatolosi

RECOMMENDATION

~~That an Offer to Purchase~~ the lands of The Corporation of the City of Hamilton, being Lot 40, Plan M-227, Hamilton Industrial Park #1, located on Nebo Road, duly executed on October 19, 1987 by the Purchasers, J. Piano, Lupo Mucci and Joe Licatolosi and scheduled for closing on March 28, 1988, be approved and completed.

The purchase price is \$136,000.00. A deposit cheque in the amount of \$13,600.00 is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the eastern limit of Nebo Road, having a frontage of 206.36 feet by a depth of 567.23 feet/618.89 feet and containing an area of 2.723 acres.

It is understood and agreed that the Vendor upon completion of this transaction will pay a Real Estate Commission on the following basis to Rivero Real Estate Limited, 1362 Main Street East, Hamilton, Ontario L8K 1B7, whose agent, Mr. Peter Strus, acted in this matter.

1st \$100,000.00 of Purchase Price - 5%
2nd \$100,000.00 of Purchase Price - 4%

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, which terms should be included in the Committee's resolution to City Council.

D. W. Vyce

BACKGROUND

This department has received an inquiry from Mr. Peter Strus of Riverco Real Estate Limited, agent for the Purchasers as to the possibility of purchasing a 2.723 acre lot on Nebo Road. The Purchasers plan to building a 22,000 square foot building for warehousing for leasing purposes.

Attch.

- c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
 - Mr. M. Chidley, Regional Surveyor

OFFER TO PURCHASE

I/We J.PIANO, LUPO MUCCI AND JOE LICATOLOSI of the City of Hamilton
in the Regional Municipality of Hamilton-Wentworth hereinafter called the Purchaser,
hereby agree to and with THE CORPORATION OF THE CITY OF HAMILTON,
hereinafter called the Vendor,

to purchase all and singular that certain parcel or tract of land and premises
situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth
and being composed of Lot 40, on Plan M-227, said parcel of vacant land having a
frontage along the eastern limit of Nebo Road of 206.36 feet by a depth of 567.23 feet/
618.89 feet and containing an area of 2.723 acres, as shown in heavy outline on the
attached plan.

at the price of ONE HUNDRED & THIRTY SIX THOUSAND-----DOLLARS (\$ 136,000.00---->
of lawful money of Canada, payable as follows:-

- (a) A deposit of THIRTEEN THOUSAND, SIX HUNDRED-----DOLLARS (\$ 13,600.00---->
by certified cheque payable to the Vendor.
- (b) The balance of the purchase price namely ONE HUNDRED AND TWENTY-TWO THOUSAND,
FOUR HUNDRED-----DOLLARS (\$ 122,400.00---->
with interest as hereinafter provided, and subject to
adjustments, by certified cheque on the closing of this transaction.

Provided that this Offer to Purchase is subject to the following conditions:-

- 1. This Offer shall be irrevocable by the Purchaser and may be accepted by the
Vendor up to but not after the 1st day of December 19 87 , by
a letter mailed or delivered to the Purchaser at c/o Mr. Jack Restivo,
Barrister & Solicitor, 105 Main St. East (Suite 800) Hamilton, Ontario L8N 1G6 .
- 2. In the event that this Offer is not accepted, this Offer and everything herein
contained shall be null and void and no longer binding upon any of the parties
hereto and the deposit shall be returned by the Vendor without interest and the
Vendor shall not be liable for any damages or costs.
- 3. In the event of and upon the acceptance of this Offer, this Offer and the letter
of acceptance shall be a binding contract of purchase and sale and shall be
completed in accordance with the terms hereof.
- 4. The title is good and free from all encumbrance, except as to any registered
restrictions or covenants.
- 5. The Purchaser is not to call for the production of any title deeds, abstract or
evidence of title except such as are in the possession of the Vendor.
- 6. The Purchaser is to be allowed thirty days from the date of acceptance of such
Offer to examine the title at his own expense. If within that time any valid
objection to title is made in writing to the Vendor, or its Solicitor, which the
Vendor shall be unable or unwilling to remove and which the Purchaser will not
waive, the contract arising out of the acceptance of this Offer shall,
notwithstanding any intermediate acts or negotiations in respect of such
objections, be null and void and all monies shall be returned by the Vendor
without interest and it shall not be liable for any damages or costs. Save as
to any valid objection so made within such time the Purchaser shall be
conclusively deemed to have accepted the title of the Vendor to the real property.

6.1. The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the transfer to him:

- (a) to pay municipal, realty and business taxes;
- (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
- (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
- (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
- (e) to pay building permit application fee;
- (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
- (g) to pay for the connection of all utilities to the premises;
- (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
- ~~(i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;~~
- (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.

6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.

6.3 In consideration for the transfer of the hereinbefore described land to the transferee, in addition to payment of the sale price to the transferor, the transferee covenants and agrees to and with the transferor:

1. That the transferee shall commence construction of a building, having a minimum building area of 22,000 square feet, upon the hereinbefore described land by not later than September 28th, 1988

Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the transferee shall complete construction of the said building by not later than September 28th, 1989.

The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

3. That no transfer of the hereinbefore described land shall be made by the transferee until The Corporation of the City of Hamilton confirms that covenants 1 and 2 have been complied with.

Continued.....1(b)

4. In the event that the transferee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the transferee covenants and agrees that the transferee shall sell the lands to the transferor, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the transferor, for the sale price herein, (without any interest) - less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.
5. The said transferor as registered owner and the said transferee hereby apply to request and authorize the Land Registrar to have Notice of the covenants set out above entered on the Register of the land being transferred herein to the said transferee.
- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the transfer to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.

7. This transaction shall be closed on or before the 28th day of March 1988
8. On the closing of this transaction, the Vendor will convey the said lands to the Purchaser by a good and sufficient deed thereof in fee simple, free and clear of dower rights and all encumbrances, except as to any registered restrictions or covenants, and shall deliver vacant possession of the said lands to the Purchaser free of all tenancies.
9. The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in paragraph 7 hereof.
10. Pending completion of this transaction, the Vendor will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the Purchaser may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Offer whether accepted or not and have all monies theretofore paid returned without interest.
11. The deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee the deed or transfer is to contain trustee covenants only.
12. This agreement and its acceptance is to be read with all changes of gender or number required by the context.
13. In the event of failure of the Purchaser to complete this transaction by the date set out in paragraph 7 hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder.
14. Any tender of documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.
15. It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.
16. It is understood and agreed that the Vendor upon completion of this transaction will pay a Real Estate Commission on the following basis to Riverco Real Estate Limited, 1362 Main St. East, Hamilton, Ontario L8K 1B7, whose agent Mr. Peter Strus acted in this matter:

1st \$100,000.00 of Purchase Price - 5%
2nd \$100,000.00 " " " - 4%.

Time shall be of the essence of this Agreement, which shall enure to the benefit of and be binding upon the Purchaser, his heirs, executors, administrators, successors and assigns, and shall enure to the benefit of and be binding upon the Vendor, its successors and assigns.

DATED at Hamilton this 19 day of October 1987

SIGNED, SEALED AND DELIVERED)

in the presence of

J. PLANO

(Seal)

L. MUCCI

(Seal)

J. LICATELOSI

(Seal)

Name of Purchaser's Solicitor

Mr. Jack Restivo

105 Main St. East (Suite 800)

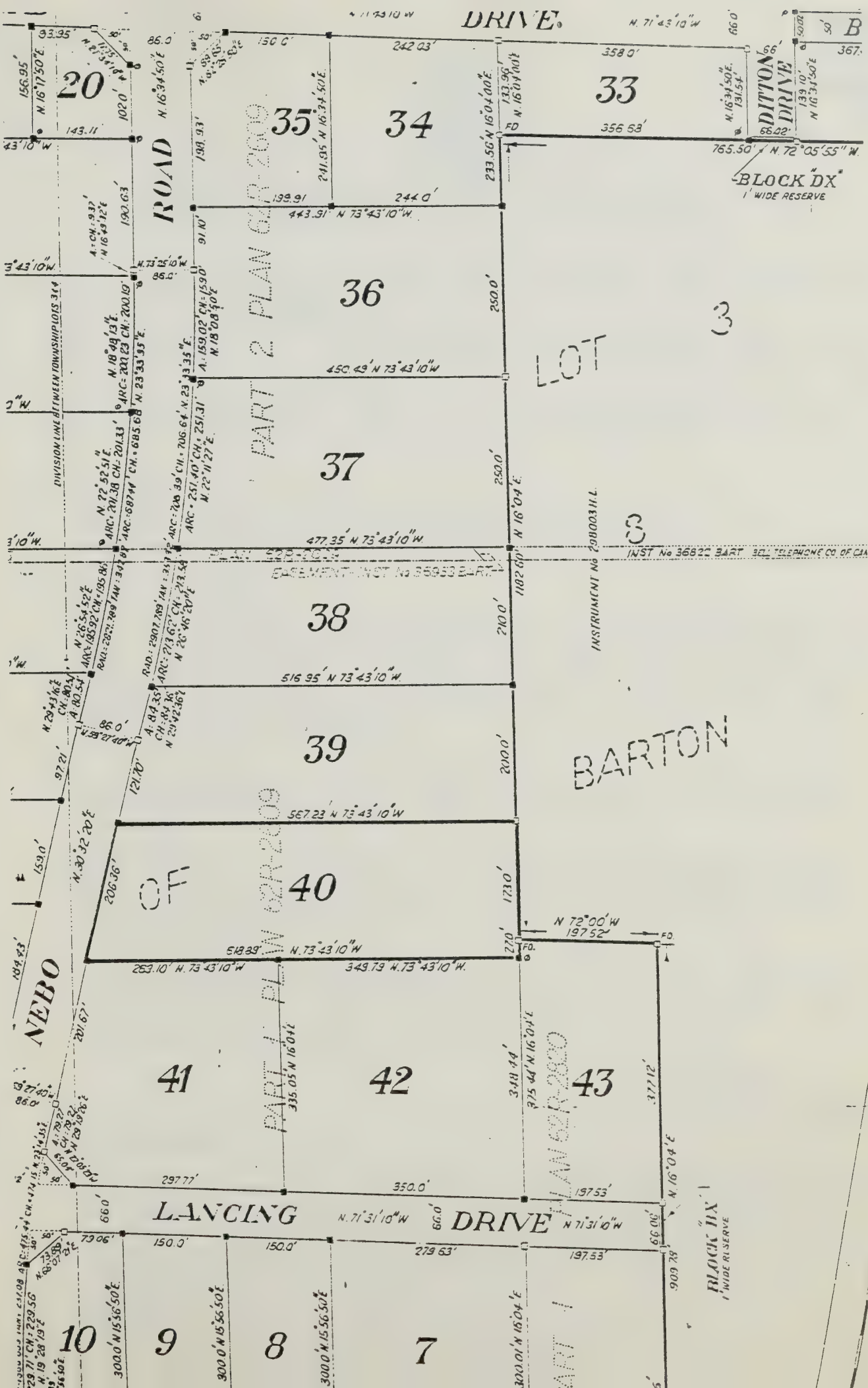
Hamilton, Ontario

Address of Purchaser's Solicitor

L8N 1G6

(528-7534)

3/27/84





OCT 28 1987

7d

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 October 27
Name & TitleFOR ACTION ☒ FOR INFORMATION ☐ File No. 20.1.286 (4505)TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
CommitteeSUBJECTLot 39, Plan M-227 - Hamilton Industrial Park #1
Nebo Road - Luigi DelSordo and Maria DelSordoRECOMMENDATION

That an Offer to Purchase the lands of The Corporation of the City of Hamilton, being Lot 39, Plan M-227, Hamilton Industrial Park #1, located on Nebo Road, duly executed on October 22, 1987 by the Purchasers, Luigi DelSordo and Maria DelSordo and scheduled for closing on March 29, 1988, be approved and completed.

The purchase price is \$124,000.00. A deposit cheque in the amount of \$12,400.00 is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the eastern limit of Nebo Road, having a frontage of 206.05 feet by a depth of 516.95 feet/567.33 feet and containing an area of 2.487 acres.

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto, which terms should be included in the Committee's resolution to City Council.

BACKGROUND

This department has received an inquiry from Luigi DelSordo and Maria DelSordo as to the possibility of purchasing a 2.48 acre lot on Nebo Road. The purchasers plan to build a 17,000 square foot building for warehousing for lease purposes.

Attch.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer

OFFER TO PURCHASE

I/We Luigi DEL SORDO and Maria DEL SORDO of the City of Hamilton
in the Regional Municipality of Hamilton-Wentworth hereinafter called the Purchaser,
hereby agree to and with THE CORPORATION OF THE CITY OF HAMILTON,
hereinafter called the Vendor,

to purchase all and singular that certain parcel or tract of land and premises
situate in the City of Hamilton in the Regional Municipality of Hamilton-Wentworth
and being composed of Lot 39 on Plan M-227, said parcel of vacant land having a frontage along
the eastern limit of Nebo Road of 206.05 feet by a depth of 516.95 feet/567.23 feet and
containing an area of 2.487 acres.

at the price of ONE HUNDRED & TWENTY-FOUR THOUSAND-----DOLLARS (\$124,000.00-----)
of lawful money of Canada, payable as follows:-

- (a) A deposit of TWELVE THOUSAND, FOUR HUNDRED-----DOLLARS (\$ 12,400.00-----)
by certified cheque payable to the Vendor.
- (b) The balance of the purchase price namely ONE HUNDRED AND ELEVEN THOUSAND-----
SIX HUNDRED-----DOLLARS (\$111,600.00-----)
with interest as hereinafter provided, and subject to
adjustments, by certified cheque on the closing of this transaction.

Provided that this Offer to Purchase is subject to the following conditions:-

- 1. This Offer shall be irrevocable by the Purchaser and may be accepted by the
Vendor up to but not after the 1st day of December 1987, by
a letter mailed or delivered to the Purchaser at c/o Mr. Joseph Maziarz, Barrister &
Solicitor, 20 Jackson Street West, Suite 200, Hamilton, Ontario, L8P 1L2
- 2. In the event that this Offer is not accepted, this Offer and everything herein
contained shall be null and void and no longer binding upon any of the parties
hereto and the deposit shall be returned by the Vendor without interest and the
Vendor shall not be liable for any damages or costs.
- 3. In the event of and upon the acceptance of this Offer, this Offer and the letter
of acceptance shall be a binding contract of purchase and sale and shall be
completed in accordance with the terms hereof.
- 4. The title is good and free from all encumbrance, except as to any registered
restrictions or covenants.
- 5. The Purchaser is not to call for the production of any title deeds, abstract or
evidence of title except such as are in the possession of the Vendor.
- 6. The Purchaser is to be allowed thirty days from the date of acceptance of such
Offer to examine the title at his own expense. If within that time any valid
objection to title is made in writing to the Vendor, or its Solicitor, which the
Vendor shall be unable or unwilling to remove and which the Purchaser will not
waive, the contract arising out of the acceptance of this Offer shall,
notwithstanding any intermediate acts or negotiations in respect of such
objections, be null and void and all monies shall be returned by the Vendor
without interest and it shall not be liable for any damages or costs. Save as
to any valid objection so made within such time the Purchaser shall be
conclusively deemed to have accepted the title of the Vendor to the real property.

6.1. The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the transfer to him:

- (a) to pay municipal, realty and business taxes;
- (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
- (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
- (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
- (e) to pay building permit application fee;
- (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
- (g) to pay for the connection of all utilities to the premises;
- (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
- (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
- (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.

6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.

6.3 In consideration for the transfer of the hereinbefore described land to the transferee, in addition to payment of the sale price to the transferor, the transferee covenants and agrees to and with the transferor:

1. That the transferee shall commence construction of a building, having a minimum building area of 17,000 square feet, upon the hereinbefore described land by not later than September 29, 1988

Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.

2. That the transferee shall complete construction of the said building by not later than September 29, 1989 .

The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.

3. That no transfer of the hereinbefore described land shall be made by the transferee until The Corporation of the City of Hamilton confirms that covenants 1 and 2 have been complied with.

Continued.....1(b)

4. In the event that the transferee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the transferee covenants and agrees that the transferee shall sell the lands to the transferor, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the transferor, for the sale price herein, (without any interest) - less (a) the deposit; (b) the commission paid (if any) by the transferor to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.
5. The said transferor as registered owner and the said transferee hereby apply to request and authorize the Land Registrar to have Notice of the covenants set out above entered on the Register of the land being transferred herein to the said transferee.
- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the transfer to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.

7. This transaction shall be closed on or before the 29th day of March 1988
8. On the closing of this transaction, the Vendor will convey the said lands to the Purchaser by a good and sufficient deed thereof in fee simple, free and clear of dower rights and all encumbrances, except as to any registered restrictions or covenants, and shall deliver vacant possession of the said lands to the Purchaser free of all tenancies.
9. The Purchaser shall assume taxes, local improvements, water and sewer rates from the date set out in paragraph 7 hereof.
10. Pending completion of this transaction, the Vendor will hold all fire insurance policies and the proceeds thereof in trust for the parties hereto as their interests may appear and in the event of damage to the said premises the Purchaser may either take the proceeds of the insurance, if any, and complete the purchase or may cancel this Offer whether accepted or not and have all monies theretofore paid returned without interest.
11. The deed or transfer is to be prepared at the expense of the Vendor. If the Vendor is a Trustee the deed or transfer is to contain trustee covenants only.
12. This agreement and its acceptance is to be read with all changes of gender or number required by the context.
13. In the event of failure of the Purchaser to complete this transaction by the date set out in paragraph 7 hereof, the deposit shall be forfeited to the Vendor as liquidated damages, in addition to any other right or remedy to which the Vendor may be entitled hereunder.
14. Any tender of documents or money may be made upon the parties hereto or their solicitors or agents and shall be either by cash or certified cheque or in the case of payment by the City, by means of the City's uncertified cheque.
15. It is understood and agreed that if the said land is within a redevelopment area, the closing of this transaction is conditional upon the approval of the Minister of Municipal Affairs and Housing under The Planning Act. It is also understood and agreed that if the said land is within an urban renewal area, the closing of this transaction is conditional upon the approval of Canada Mortgage and Housing Corporation.

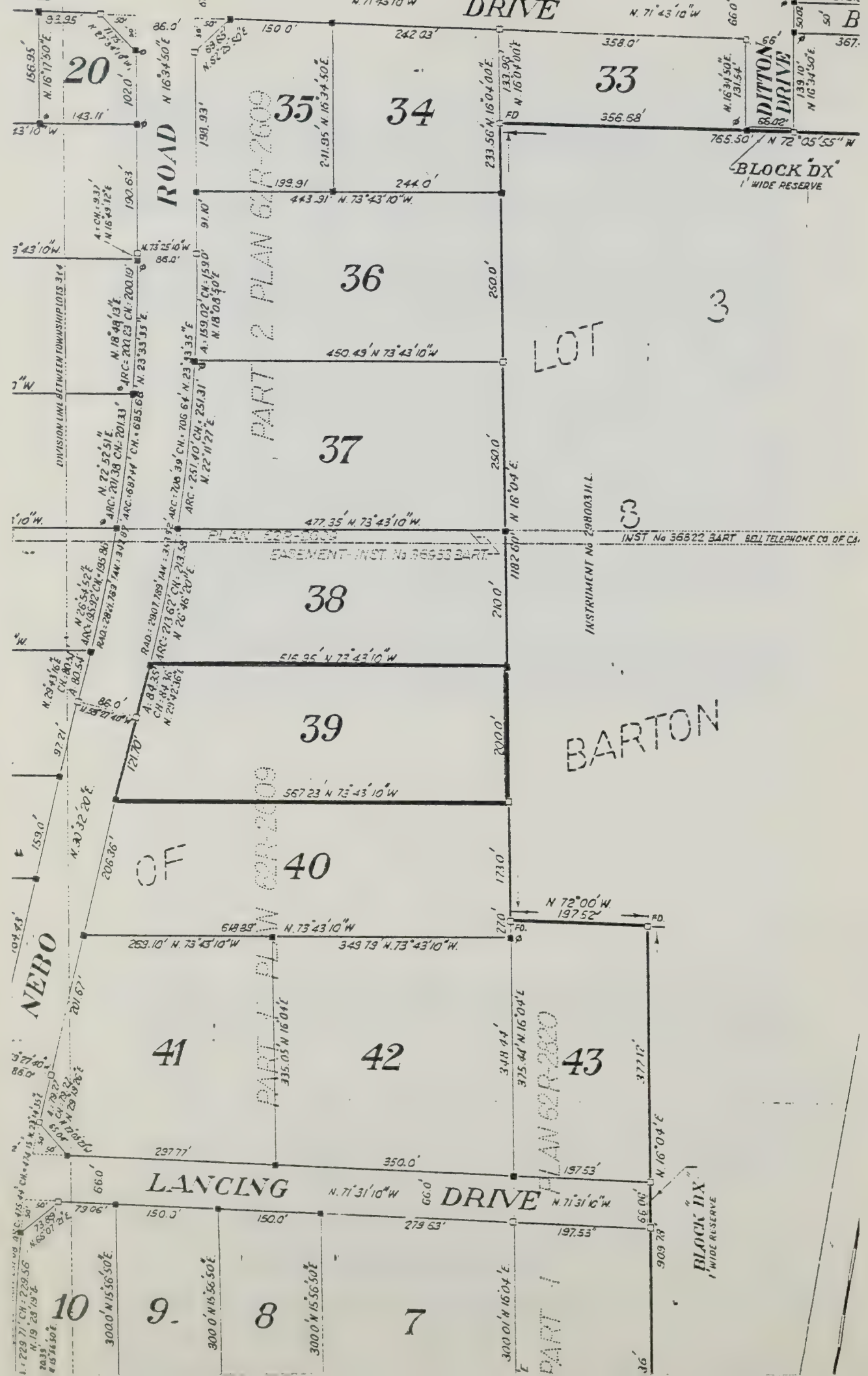
Time shall be of the essence of this Agreement, which shall enure to the benefit of and be binding upon the Purchaser, his heirs, executors, administrators, successors and assigns, and shall enure to the benefit of and be binding upon the Vendor, its successors and assigns.

DATED at Hamilton this 22nd day of October 1987

SIGNED, SEALED AND DELIVERED) Luigi DEL SORDO and Maria DEL SORDO
) _____ (Seal)
in the presence of) Maria Del Sordo (Seal)
Ruth Duko) _____ (Seal)

Name of Purchaser's Solicitor Mr. Joseph Maziarz, Barrister & Solicitor

Address of Purchaser's Solicitor 20 Jackson Street West, Suite 200, Hamilton, Ontario,
L8P 1L2 (529-7171)





NOV 2 - 1987

~~NOV 20 1987~~

7e.

THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W.Vyce, Director of Property DATE 1987 October 29
Name & TitleFOR ACTION ☒ FOR INFORMATION ☐ File No. 20.1.257(4503)TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
CommitteeSUBJECT

Sale of vacant City owned lands - 425 York Boulevard - between Locke and Pearl Streets, to Jubille Consultants Services - Hamilton.

RECOMMENDATION

That an Offer to Purchase City owned lands at Municipal No. 425 York Boulevard, by Jubille Consultants Services, Hamilton, which was scheduled to close on September 30th, 1987, be extended to close on or before March 2nd, 1988, all other terms and conditions to remain the same, and time to remain of the essence.

BACKGROUND

The subject transaction was conditional upon the Purchaser receiving National Housing financing and Ontario Housing allocations which we understand is now approved. The development scheme however involves minor variances to the By-law and Committee of Adjustment approval of this is pending.

Whereas construction is not likely to commence until the Spring of 1988, we would support the request for this extension.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. M. Chidley, Regional Surveyor



THE CORPORATION OF THE CITY OF HAMILTON

FROM D.W. Vyce, Director of Property DATE 1987 October 20
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. 1.8.4 (4509)

TO: CITY COUNCIL ☐ (OR) PLANNING & DEVELOPMENT ☒
Committee

SUBJECT

Release of Agreement between the City of Hamilton and
Gerald Vulker and John Popaleni - 1418 Upper Sherman Avenue

RECOMMENDATION

- (1) That approval be given for the City to release Gerald Vulker and John Popaleni of the covenants in the agreement regarding Parts 1, 2 and 3 on Plan 62R-2571, between Gerald Vulker and John Popaleni and the City of Hamilton, registered on May 27, 1976 as Instrument 15303 CD.
- (2) That the City Solicitor take the necessary action to finalize this release.

BACKGROUND

In 1975, City Council approved the severance of a lot at 1422 Upper Sherman Ave. subject to the following conditions:

- (1) Establishment of a 1' reserve around the perimeter of the remaining lands shown as Parts 1 and 2 on Plan 62R-2571.
- (2) The Owners covenant and agree to deliver to the City, on the execution of this Agreement by the said City a deed in registerable form to Parts 4 and 5 as set out in the plan deposited as 62R-2571.
- (3) The City covenants and agrees to hold such Parts 4 and 5, In Trust, for the Owners on the following terms:
 - (a) when sewer and water services have been installed on Upper Sherman Avenue, the Owners are to have the right to re-purchase said Parts 4 and 5 from the City of Hamilton for One Dollar (\$1.00) plus any taxes and local improvements allocated to said Parts 4 and 5 during the period of time they are held by the City.

BACKGROUND - Continued...

- (b) the Owners will not appeal any assessment of the lands designated Parts 1, 2 and 5 on the grounds that these lands have no frontage on Upper Sherman Avenue,
- (c) the Owners are to maintain and cut the weeds on the lands remaining to them, and to maintain any building on these lands, and they are to have a right-of-way over said Parts 4 and 5 for such purposes.

On September 14, 1987, a request was received from R. Barry Caskie, Solicitor for the Owners to release the covenants in this agreement.

As sewer and water services have been installed on Upper Sherman Avenue, and all other conditions of the covenants have been complied with, we recommend release of the covenants in the agreement.

c.c. - Mr. K.A. Rouff, City Solicitor
- Mr. E.C. Matthews, City Treasurer
- Mr. J.R.G. Leach, Regional Commissioner of Engineering
Attention: Mr. M. Chidley, Regional Surveyor
Attention: Mr. K. Brenner

THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF SECTION 29, 02 OR 23 OF THE PLANNING ACT.

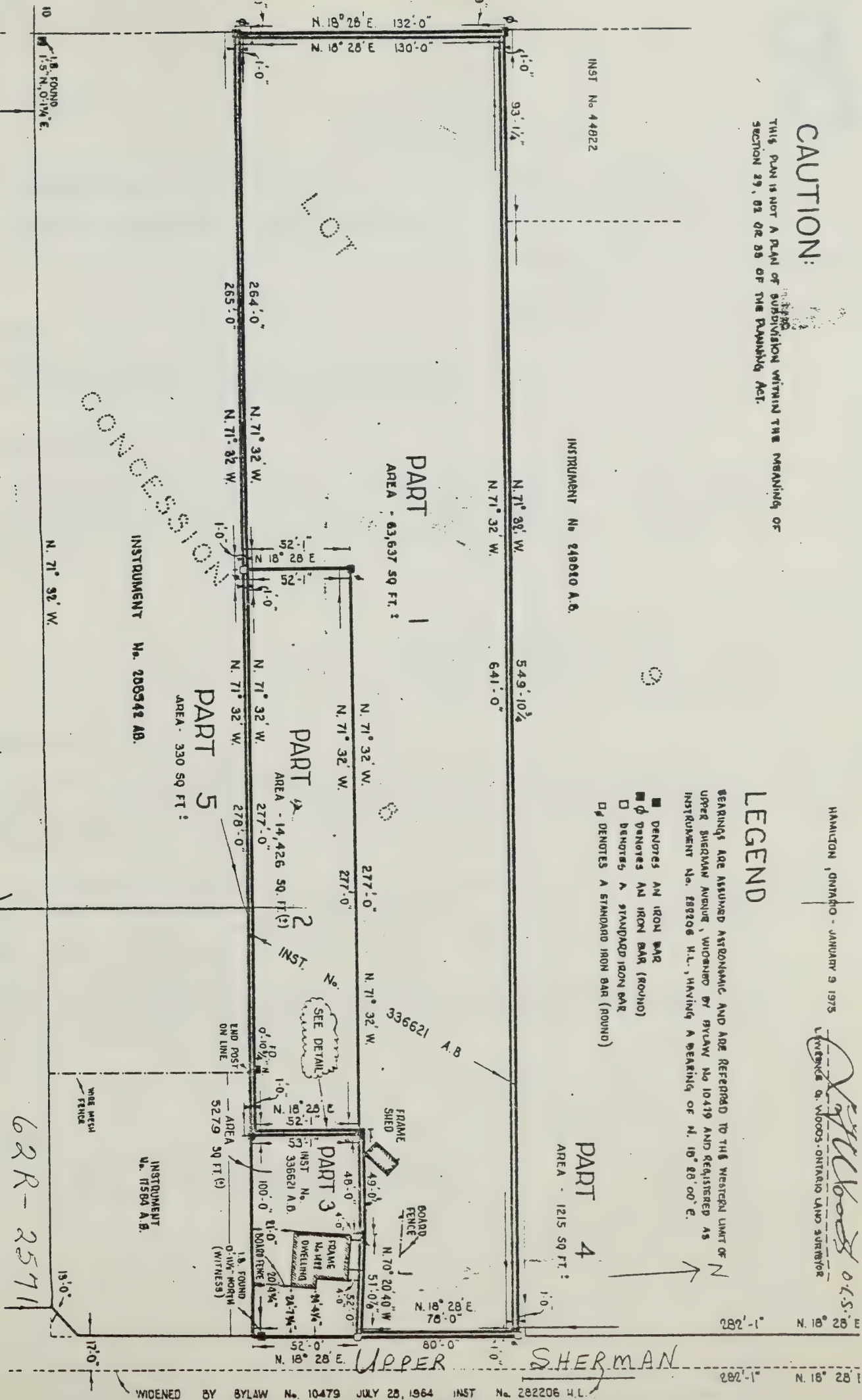
HAMILTON, ONTARIO - JANUARY 9 1975

1. Wentworth G. Woods. Ontario Land Surveyor

LEGEND

BEARINGS ARE ASSUMED AZIMUTHAL AND ARE REFERRED TO THE WESTERN LIMIT OF THE BEARING. THE BEARING OF THE WESTERN LIMIT OF THE BEARING IS THE UPPER BIERMAN ANGLE, WHICH IS 10.419 AND REGISTERED AS INSTRUMENT No. 20206 N.T., HAVING A BEARING OF N. 10° 28' 00" E.

- DENOTES AN IRON BAR
- ▣ DENOTES AN IRON BAR (ROUND)
- DENOTES A STANDARD IRON BAR
- DENOTES A STANDARD IRON BAR (ROUND)



I.D. #0043D (1)

FOR ACTION

FROM Department of Engineering

DATE October 27, 1987

TO Planning and Development Committee

Refer to File No. S718-56

Attention Of K.A. Brenner

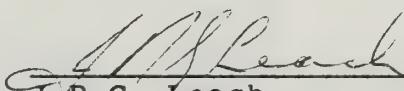
Your File No. _____

SUBJECT

"Ridgeview Estates - Phase 2", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION

The Corporation of the City of Hamilton accept the sum of \$35,040.77 as cash payment in lieu of 5% dedication in connection with "Ridgeview Estates - Phase 2", Hamilton, this being the cash requirement under Section 50 of the Planning Act.


J.R.G. Leach
Commissioner of Engineering

BACKGROUND

The owners of the lands for the above referenced subdivision will be executing a Subdivision Agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedures, the City and Regional staff have completed the calculations for the 5% cash payment in lieu of Parkland dedication. The sum to be included in the Subdivision Agreement has been calculated to be \$35,040.77.

*Note: These lands are located east of Upper Wentworth Street and South of Stone Church Road in the Butler Neighbourhood.
Hamilton.

DVC/ma

cc: D. Consoli, City Treasury Dept.
cc: P. Shen, City Solicitor's Office

I CERTIFY THAT THIS PLAN 62M-
WAS PREPARED BY ME OR UNDER MY
SUPERVISION AND THAT I AM A LICENSED
LAND SURVEYOR OF ONTARIO.
I AM NOT PROVIDING THIS PLAN FOR
RECORD IN THE OFFICE OF THE
MAYOR AND COUNCIL OF THE
CITY OF HAMILTON.
I AM NOT PROVIDING THIS PLAN FOR
RECORD IN THE OFFICE OF THE
MAYOR AND COUNCIL OF THE
CITY OF HAMILTON.
I AM NOT PROVIDING THIS PLAN FOR
RECORD IN THE OFFICE OF THE
MAYOR AND COUNCIL OF THE
CITY OF HAMILTON.

THIS PLAN COMPOSES PART OF PARCEL NO. 9
SECTION 8M 6(C)
TOWNSHIP OF BARTON
COUNTY OF HAMILTON
ONTARIO

METRIC:
DISTANCES SHOWN ON THIS PLAN ARE IN METERS
AND ARE TO BE CONSIDERED AS SUCH.
J. DAVID PETERSON
1986

THIS PLAN WAS PREPARED BY ME OR UNDER MY
SUPERVISION AND THAT I AM A LICENSED
LAND SURVEYOR OF ONTARIO.
I AM NOT PROVIDING THIS PLAN FOR
RECORD IN THE OFFICE OF THE
MAYOR AND COUNCIL OF THE
CITY OF HAMILTON.

APPROVED BY BY-LAW NO. 604
CITY OF HAMILTON

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
1. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE
SURVEY ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE
THEREUNDER;
2. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____
1986
DATED AT HAMILTON, ONTARIO
ON THE _____ DAY OF _____ 1986
J. DAVID PETERSON
ONTARIO LAND SURVEYOR

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT:
1. I, THE UNDERSIGNED, HAVE BEEN ADVISED BY THE SURVEYOR THAT THE
SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE
LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER;
2. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____
1986
DATED AT HAMILTON, ONTARIO
ON THE _____ DAY OF _____ 1986
T. MACKAY
T. MACKAY CONSTRUCTION LIMITED

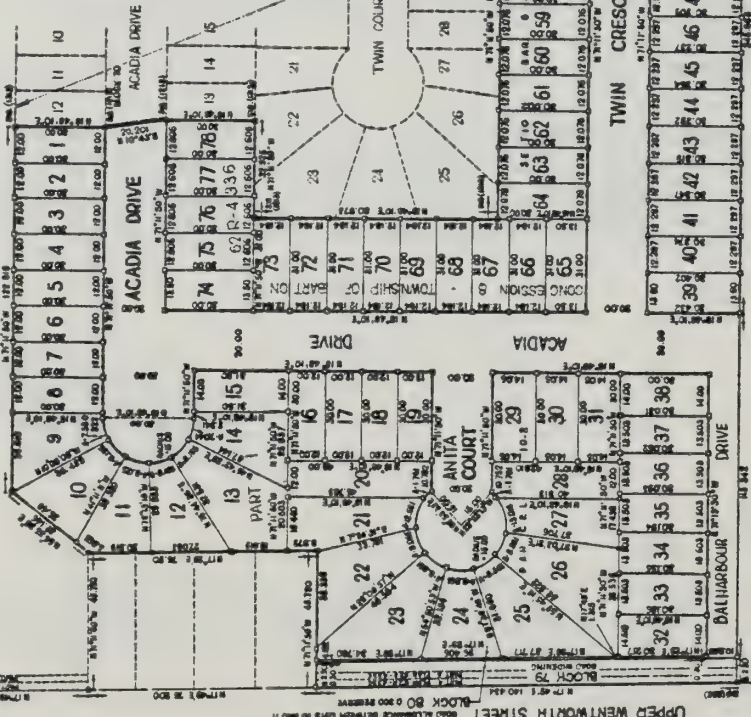
**PLAN OF
RIDGEVIEW ESTATES - PHASE TWO**

BEING A SUBDIVISION OF
PART OF LOT 10 - CONCESSION 8
FORMERLY IN THE
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:1000
J. DAVID PETERSON
1986

STONE CHURCH ROAD
ROAD ALLOWANCE BETWEEN CONCESSIONS 7 AND 8

THE CORNER OF LOT 10



31°10'30" W 245.643

LOT 10

LOT	AREA	CHORD	BEARING	MARKUS	A
9	7.650	7.650	088°40'33"W	18.600	88°47'48"
10	0.125	0.086	84°47'18"E	-	84°47'18"
11	0.078	0.086	84°47'18"E	-	84°47'18"
12	0.119	0.078	84°47'18"E	-	84°47'18"
13	0.155	0.086	84°47'18"E	-	84°47'18"
14	0.144	0.078	84°47'18"E	-	84°47'18"
15	0.170	0.086	84°47'18"E	-	84°47'18"
16	0.144	0.078	84°47'18"E	-	84°47'18"
17	0.155	0.086	84°47'18"E	-	84°47'18"
18	0.144	0.078	84°47'18"E	-	84°47'18"
19	0.170	0.086	84°47'18"E	-	84°47'18"
20	0.144	0.078	84°47'18"E	-	84°47'18"
21	0.155	0.086	84°47'18"E	-	84°47'18"
22	0.144	0.078	84°47'18"E	-	84°47'18"
23	0.170	0.086	84°47'18"E	-	84°47'18"
24	0.144	0.078	84°47'18"E	-	84°47'18"
25	0.155	0.086	84°47'18"E	-	84°47'18"
26	0.144	0.078	84°47'18"E	-	84°47'18"
27	0.170	0.086	84°47'18"E	-	84°47'18"
28	0.144	0.078	84°47'18"E	-	84°47'18"

AREA OF LOTS AND BLOCKS

LOT	m ²	LOT	m ²
1	170.0	38	620.2
2	170.0	39	413.7
3	170.0	40	373.8
4	170.0	41	373.8
5	170.0	42	373.8
6	170.0	43	373.8
7	170.0	44	373.8
8	170.0	45	373.8
9	170.0	46	373.8
10	170.0	47	373.8
11	170.0	48	373.8
12	170.0	49	373.8
13	170.0	50	373.8
14	170.0	51	373.8
15	170.0	52	373.8
16	170.0	53	373.8
17	170.0	54	373.8
18	170.0	55	373.8
19	170.0	56	373.8
20	170.0	57	373.8
21	170.0	58	373.8
22	170.0	59	373.8
23	170.0	60	373.8
24	170.0	61	373.8
25	170.0	62	373.8
26	170.0	63	373.8
27	170.0	64	373.8
28	170.0	65	373.8
29	170.0	66	373.8
30	170.0	67	373.8
31	170.0	68	373.8
32	170.0	69	373.8
33	170.0	70	373.8
34	170.0	71	373.8
35	170.0	72	373.8
36	170.0	73	373.8
37	170.0	74	373.8
38	170.0	75	373.8
39	170.0	76	373.8
40	170.0	77	373.8
41	170.0	78	373.8
42	170.0	79	373.8
43	170.0	80	373.8
44	170.0	81	373.8
45	170.0	82	373.8
46	170.0	83	373.8
47	170.0	84	373.8
48	170.0	85	373.8
49	170.0	86	373.8
50	170.0	87	373.8

NOTES:
1. ALL DISTANCES ARE IN METERS AND ARE TO BE CONSIDERED AS SUCH.
2. THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEY ACT AND THE
LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.
3. THE SURVEY WAS COMPLETED ON THE _____ DAY OF _____
1986
DATED AT HAMILTON, ONTARIO
ON THE _____ DAY OF _____ 1986
J. DAVID PETERSON
ONTARIO LAND SURVEYOR

MACKAY MACKAY & PETERSON LIMITED
ONTARIO LAND SURVEYOR
50 HURONTARIO ST.
HAMILTON, ONTARIO



THE CORPORATION OF THE CITY OF HAMILTON

FROM Mrs. Lori Peddle, Secretary DATE 1987 November 6
L.A.C.A.C.
Name & Title

FOR ACTION ☒ FOR INFORMATION ☐ File No. _____

TO: CITY COUNCIL ☐ (OR) Planning & Development ☒
Committee

SUBJECT

Heritage Easement - MacNab Street Presbyterian Church
116 MacNab Street South

RECOMMENDATION

- (a) That the City of Hamilton enter into a Heritage Easement Agreement with the MacNab Street Presbyterian Church subject to the satisfaction of the City Solicitor, and
- (b) That the Mayor and City Clerk be authorized and directed to execute this agreement.

NOTE: The Provincial Government has awarded a heritage grant of \$108 308 for the restoration of the church buildings on the condition that the church be designated under the Ontario Heritage Act and that a heritage easement between the property owners and the City be executed. The designation by-law was approved by Council on August 25, 1987.

BACKGROUND

The Provincial Government requires that a heritage easement be signed with the property owners whenever a sizeable heritage grant is awarded in order to provide permanent protection for the designated building. Designation under the Ontario Heritage Act does not prevent demolition of buildings; it only enables Council to delay demolition for up to 270 days in order to investigate solutions.

Name(s) and Address of Property: MacNab Street Presbyterian Church
116 MacNab Street South

Present Owner(s): The Trustees - MacNab Street Presbyterian Church

Present Occupant(s): MacNab Street Presbyterian Church

Present Use: Church



Date of Construction: 1856-57

Architect and/or Builder: Albert H. Hills -architect

Original Owner(s): Presbyterian Church ("Free Church")

Original Occupant(s): as above

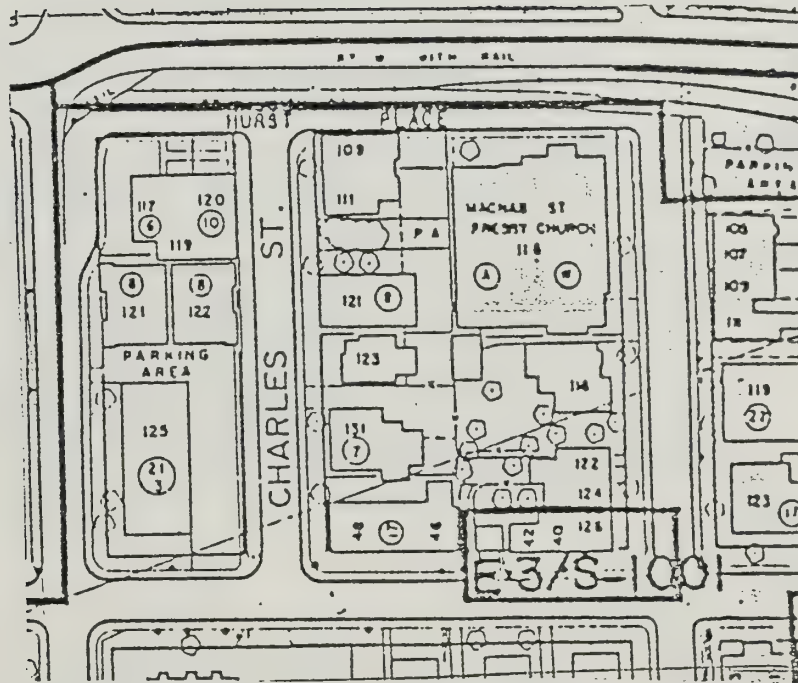
Plan and Lot Number: Peter Hunter Hamilton Survey Lots 126(part), 127, 128, 129

Heritage Status: Designated under Part IV of the Ontario Heritage Act
September 15, 1987.

CURRENT INFORMATION ON SITE AND BUILDING

Mad: .

Durand



Zoning:

E3 Zoning District

Maximum height = 18 storeys (see attached sheet for more Planning info.)

Context:

It is a focal point for the proposed MacNab South Heritage Conservation District.

Building Frontage:

Assessment:

Churches are not assessed.

SITE

- see map page 2/4
- contains Church, Sunday School, Manse and outbuildings.
- owned by the Trustees of MacNab Street Presbyterian Church

STATUS

- Designated September 15, 1987 under Part IV of the Ontario Heritage Act.
- Located within the Heritage Conservation District Study area.

PLANNING POLICIES

Official Plan The Plan for this area (building) which is within the Durand Neighbourhood is part of a special policy area in the Official Plan that requires more detailed policy guidance in addition to the other land use provisions of the Official Plan.

Central Area Plan

Neighbourhood Preservation

5. Durand, Corktown and the North End Neighbourhoods will be preserved as prime residential locations where residential development will be enhanced and protected through provision of human and community services; zoning protection, re-routing of traffic, separation and buffering of incompatible uses and other measures which will meet that objective.

Zoning Requirements

- The MacNab Street Presbyterian Church is in an "E-3" Zoning District. The following zoning requirements of an "E-3" District are only a general overview, for specific details it is necessary to refer to the Hamilton Zoning By-law Text.

Physical Requirements

- The height of a building or structure shall not exceed eighteen storeys or 57.0 metres (187.01 ft.) in height.
- Site Plan Control - The MacNab Street Presbyterian Church is within an "E-3" District which makes it subject to Site Plan Control.

FOR ACTION

10 a.

FROM Planning and Development Department DATE October 28, 1987
TO Planning and Development Committee Refer to File No. P5-2-126
STIPELEY
NEIGHBOURHOOD
Attention Of V. J. Abraham

SUBJECT

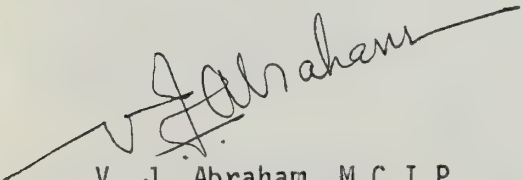
Proposed amendment to the Stipeley Neighbourhood Plan to recognize the planned park on the former Hamilton Foundry site.

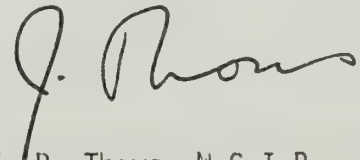
RECOMMENDATION

That the approved Stipeley Neighbourhood Plan be amended by redesignating the subject lands from "Industrial" to "Park and Recreational".

EXPLANATORY NOTE

The proposed change in neighbourhood plan reflects the city's acquisition of this site for parkland, to be completed in December, 1987.


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thomas, M.C.I.P.
Commissioner
Planning and Development

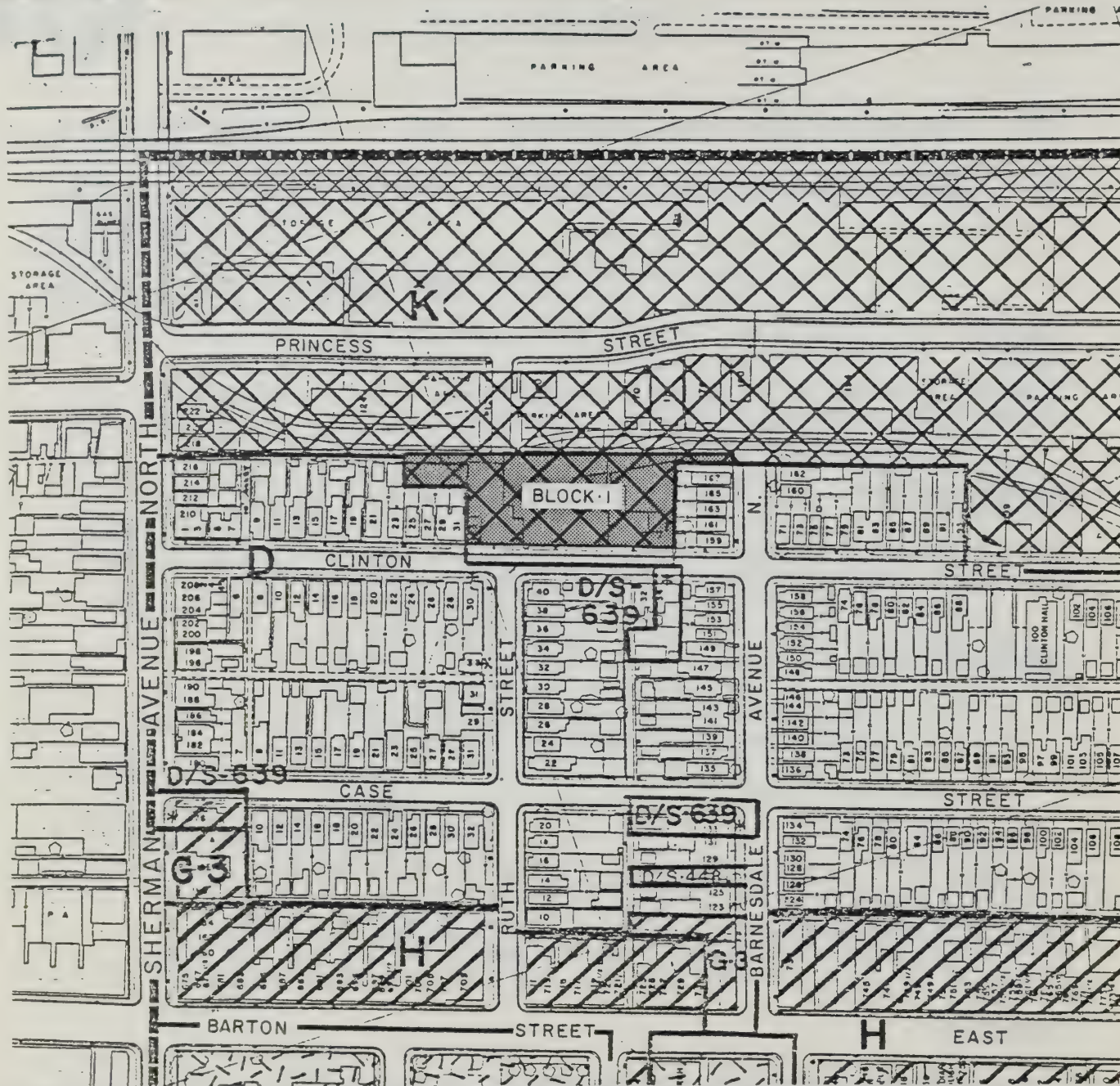
BACKGROUND

City Council, at its meeting of September 29, 1987, approved the purchase of the former Hamilton Foundry site at 33 Clinton Street in the Stipeley Neighbourhood. The lands are to be purchased at a cost of \$425,000 for park purposes. This will help provide parkland for a residential area which has a shortage of park facilities.

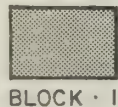
The approved Stipeley Neighbourhood Plan should be amended for this site, to recognize the change in the designated use from "Industrial" to "Park and Recreational", as per the attached map. The neighbourhood plan forms the planning basis for the current PRIDE program, intended to upgrade the area.

V.G.:nd

W.P. DOC. 0022P



PROPOSED
NEIGHBOURHOOD
PLAN AMENDMENT



FROM "INDUSTRIAL" TO
"PARK & RECREATIONAL"

LAND USE

RESIDENTIAL

- single & double attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

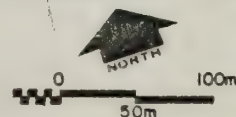
- Neighbourhood Boundary
- Zoning Boundary
- Staging of Development Boundary

Approvals
Planning Bd. NOV. 28/73 Council FEB. 26/74
Revisions

JUNE, 1971			
FEBRUARY, 1972			
APRIL 5, 1973			
SEPT. 27, 1976			
SEPT. 8, 1979			

CITY OF HAMILTON
PLANNING DEPARTMENT

STIPELEY
APPROVED PLAN



F O R I N F O R M A T I O N

10b.

FROM: Planning and Development Department DATE: October 29, 1987
TO: Planning and Development Committee File No.: P6-6-4
Attention Of: V. J. Abraham

BACKGROUND

Staff and Project Review - Request for Assistance on Lax Land Compensation Claim.

RECOMMENDATION

The City, through its legal consultant, Mr. W. I. C. Binnie, is preparing the City's defence of a \$4.5 million claim launched by the Lax Brothers regarding the City's expropriation of their West Harbour property. At the consultant's request, staff of the Policy Planning and Analysis Section have undertaken extensive and time consuming research on this matter since June.

Further assistance is requested (see attached letter):

- sorting through volumes of documents from both the City's files and those received from the Lax's solicitors and assessing their significance;
- assisting in drawing up the City's case;
- advising the consultant on planning issues as they arise; and,
- assisting at hearings of discovery and the Land Compensation Board hearing as required.

This assistance will be required full-time till the end of January 1988 (the hearings of discovery were postponed a month to six weeks ago since receiving the request) and approximately six to eight weeks between February and mid-summer 1988.

REPORT

Given:

- the importance of this case to the City;
- the unexpected work load placed on current staff resources; and,
- the expansive amount of material and time required to deal with this matter;

a reallocation of staff resources is necessary to meet the requirements of this assignment. Consequently, a number of projects, both in the 1987 Work

Programme and those of a "demand responsive" nature, have been placed on hold or on a lower priority until the middle of 1988.

The following is a brief description of each project that will be affected in order of priority (i.e. the first is the highest priority), and the impact of shifting its priority to a lower position.

- Central Area Plan Update - Official Plan Amendment

Staff have been working with the CAPIC Editing Committee finalizing the Central Area Plan Update. This has involved advising on current Official Plan policy as well as on how the new Central Area Plan can be "fit" into the Hamilton Official Plan by way of an Amendment. Special attention is being given to craft the document into a suitable amendment. Currently, a draft Official Plan amendment is being prepared.

Withdrawal of staff at this time will delay the finalization of the amendment scheduled to go to a public meeting in January 1988.

- Business Land Use Advisory Board (B.L.U.A.B.)

The Business Land Use Advisory Board is a special purpose committee reporting to Planning and Development Committee to advise and make recommendations on land use issues affecting the business community with emphasis on industry. Staff services to this Committee include preparation of agendas, preparing for and making presentations at meetings, preparing reports for Planning and Development Committee, and co-ordination with committee members. Withdrawal of staff will necessitate rescheduling B.L.U.A.B.'s winter and spring program and may necessitate cancelling meetings.

- Discussions with the Hamilton Harbour Commissioners

Staff have been involved in on-going discussions with the Hamilton Harbour Commissioners, over the past year regarding various aspects of the Official Plan and Zoning By-Law as it relates to the Harbour Commissioners' lands, and the question of jurisdiction. Withdrawal of staff will significantly reduce time spent on this matter and impede an expedient resolution.

- Hamilton Beach Strip Concept Plan

Staff involvement in this project is to prepare the Official Plan amendment which will result once Council approves the Neighbourhood Plan. Withdrawal of staff may delay the preparation of the implementing Official Plan amendment by three or four months.

- Official Plan Amendments and Compliance Reports

The preparation and administration of Official Plan amendments through the approval process, and the preparation of compliance reports is an on-going activity in assessing development proposals. As you are aware, the volume of zoning applications to date is at an unprecedented high relative to other years (120 applications received by the end of October). Compliance reports are required immediately, on a top priority basis, to enable expedient processing of the application. Withdrawal of staff will result in slowdown of processing applications.

- Centennial Parkway Study

This study, dealing with the tourism potential of the City's eastern gateway from a planning perspective, was to be finalized and presented to the Committee by the end of this year. The study's finalization will be delayed until Spring-Summer 1988.

- Upper James (Wemby to South Bend) Study

This study was initiated earlier this year, at the request of this Committee, to assess the feasibility of rezoning this area for commercial uses. A study criteria has been prepared and background work has begun. Withdrawal of staff from this study will necessitate moving its anticipated completion by the end of 1987 to Summer-Fall 1988.

- Windermere Basin - Land Use Disposition

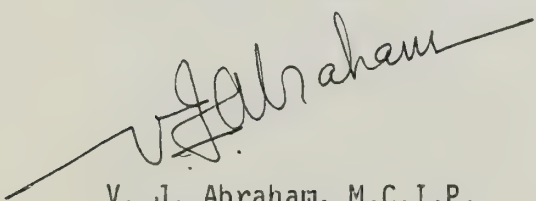
Official Plan identifies the Windermere Basin as a Special Policy Area and directs that a study be undertaken to determine the most appropriate land use of the Basin. In 1986, the City and Hamilton-Wentworth Region endorsed the means of dredging and disposal of the contaminated sediment. Earlier this year, the Federal Government announced its financial assistance for the clean-up operation. Staff are currently preparing a "strategy" to come to terms with the future use of any lands which may be created. Withdrawal of staff will delay this process to Spring-Summer 1988.

CONCLUSION

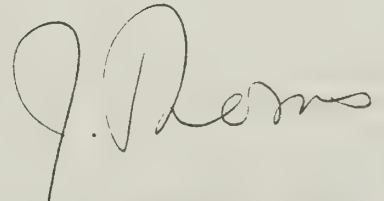
It is apparent that with the removal of staff to work solely on the Lax land compensation case, several high priority projects, will be delayed up to six or more months.

A status report on the progress of the above-noted projects will be presented in January 1988. That report will include an update on the anticipated completion of planning staff involvement in the Lax case.


Respectfully submitted,



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department



CF/dkp

WP 0021P

McCARTHY & McCARTHY

BARRISTERS SOLICITORS

PATENT & TRADE MARK AGENTS

P. O. BOX 48
TORONTO DOMINION BANK TOWER
TORONTO-DOMINION CENTRE
TORONTO, CANADA
M5K 1E6

FACSIMILE NOS. (416) 868-0673
(416) 362-1812
TELEX 06-217813
CABLE CARTAN, TORONTO

TELEPHONE (416) 362-1812

OUR REFERENCE:

W.I.C. Binnie, Q.C.

October 16, 1987

Mr. V.J. Abraham, M.C.I.P.
Director of Local Planning
The Regional Municipality
of Hamilton-Wentworth
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Abraham:

RE: Lax Expropriation - Documents

Further to your letter of September 25, 1987, and my subsequent discussion about work schedules with Caroline Floroff and Alex Georgieff, I wish to confirm that the task undertaken by Caroline Floroff has turned out to be substantially larger than expected (due both to the quantity of the documents and to the delay and confusion surrounding their production by the solicitors for Lax) and that it will likely take Ms. Floroff virtually full time from now until Christmas 1987 to complete her analysis and narrative.

Thereafter, I would expect her involvement to decline significantly, perhaps to a few days a month until June 1988, plus greater involvement (perhaps equivalent to a work-month) at the time Dan Vyce is examined on behalf of the City during the winter or early spring of 1988.

Your continuing cooperation in making Ms. Floroff available for this work is much appreciated, as she has both the planning background and knowledge of the City's way of doing things, as well as knowledge of who to turn to for further information, that is vital to the successful completion of the work.

Many thanks.

Yours very truly,

McCARTHY & McCARTHY

Per:

Ian Binnie

WICB/jm

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
OCT 16 1987
VIA AG

McCARTHY & McCARTHY

BARRISTERS SOLICITORS

P.O. BOX 48
TORONTO DOMINION BANK TOWER
TORONTO-DOMINION CENTRE
TORONTO, CANADA
M5K 1E6

PATENT & TRADE MARK AGENTS

TELEX 06-217813
TELEX (INFOTEX) N.AMER. ONLY
0604 . . . 3029-5001151
FACSIMILE NOS. (416) 868-0673
(416) 362-1812
CABLE CARTAN, TORONTO

TELEPHONE (416) 362-1812

OUR REFERENCE:

W.I.C. Binnie, Q.C.

July 30, 1987

Mr. V.J. Abraham, M.C.I.P.
Director of Local Planning
The Regional Municipality
of Hamilton-Wentworth
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Abraham:

RE: City of Hamilton ats Lax

As you know, Mrs. Carolyne Floroff has been assisting me in the preparation of the City of Hamilton's defence against the \$4.5 million claim launched against the City by the Lax brothers. I am grateful to you for allowing her to make the time available for this task.

We are now at a stage in the proceedings when many thousands of pages of fresh material have been produced by counsel for the Lax brothers. Initially, it is necessary for somebody intimately familiar with the City of Hamilton's case to review all of the Lax material to determine what it pertains to, how it differs from the City's documentation of the same events, and what deserves closer consideration by the lawyers. Carolyne has begun this task but it is becoming apparent that a lot of her time will be required to successfully complete this review of the documents and inevitably time taken for this purpose will not be available for her other projects.

I am writing this letter to ask that you permit Mrs. Floroff to assign a high priority to her work with us on the Lax expropriation. The major part of her contribution would be made in the next four or five weeks in getting the documentation under control. Thereafter, we would like to

.../2

McCARTHY & McCARTHY

Mr. V.J. Abraham

- 2 -

July 30, 1987

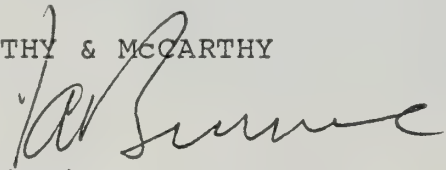
call on her from time to time for assistance in dealing with the documentation, particularly in preparation for the Examinations for discovery both of Samuel Lax and Sheridan Lax, as well as Dan Vyce of the City.

Your cooperation in this respect would be very much appreciated. If at anytime there are difficulties arising in our present arrangements, please let me know.

Yours very truly,

McCARTHY & McCARTHY

Per:



Ian Binnie

WICB/jm

c.c.: Carolyne Floroff
Ken Rouff

FOR ACTION

FROM: Planning and Development Department

DATE: November 2, 1987

T0: Planning and Development Committee

File No.: ZA-87-108
STIPELEY
NEIGHBOURHOOD

SUBJECT

Request for a modification to the "DE-2" (Multiple Dwellings) District regulations for the property located at No. 100 Barnesdale Avenue. The purpose of the proposed modification is to permit the conversion of a three family dwelling for a residential care facility for a maximum of eight (8) people recovering from head injuries.

RECOMMENDATION

That Zoning Application 87-108, Hamilton-Wentworth Head Injury Association,
prospective owner, requesting a modification to the "DE-2" (Multiple
 Dwellings) District regulations to permit the conversion of a three family
 dwelling for a residential care facility for eight (8) persons recovering from
 head injuries, for the property located at No. 100 Barnesdale, as shown on the
 attached map marked as APPENDIX "A", be denied for the following reasons:

- 1) There are two existing residential care facilities located within 180 m of the subject lands and several more within 360 m . The intent of the radial separation distance is to avoid an over-saturation of these facilities in any one neighbourhood. Approval of the application would only intensify the concentration of residential care facilities within one area.
- 2) It would set an undesirable precedent for future similar applications.

V. J. Abraham, M.C.I.P.
Director of Local Planning

J. D. Thomas, M.C.I.P.
Commissioner
Planning and Development Department

APPLICANT

Hamilton-Wentworth Head Injury Association, prospective owner.

LOT SIZE

- o 17.84 m (58.5 ft.) of lot frontage;
- o 28.17 m (92.41 ft.) of lot depth; and,
- o 502.55 m² (5,406 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Three family dwelling	"DE-2" (Multiple Dwellings) District

SURROUNDINGS

To the north	one and two family dwellings	"C" (Urban Protected Residential, etc.) District
To the south	vacant, commercial/residential	"H" (Community Shopping and Commercial, etc.) District
To the east	apartment buildings	"DE-2" (Multiple Dwellings) District
To the west	commercial, two and three family dwellings	"DE-2" (Multiple Dwellings) District "H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN

The subject lands are designated "Commercial" on Schedule "A". Residential uses are permitted within a commercial designation; therefore the proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Low Density Apartments" in the approved Stipeley Neighbourhood Plan. The proposal does not conflict with the intent of the Neighbourhood Plan.

COMMENTS RECEIVED

- o The Building Department has advised that variances are required.
- o The Traffic Department has advised that:

"The application is satisfactory subject to the provision of off-street parking in accordance with Zoning By-Law No. 6593 for a residential care facility."

- o The Hamilton-Wentworth Engineering Department and Hamilton Region Conservation Authority have no comments or objections.
- o The Regional Social Services Department has advised that:

"I am pleased to support the above application. A group home for head-injured persons is certainly needed in our Region. Further, the planned location is an excellent one because of its proximity to facilities in the City. I urge the Planning and Development Committee to approve this application."

COMMENTS

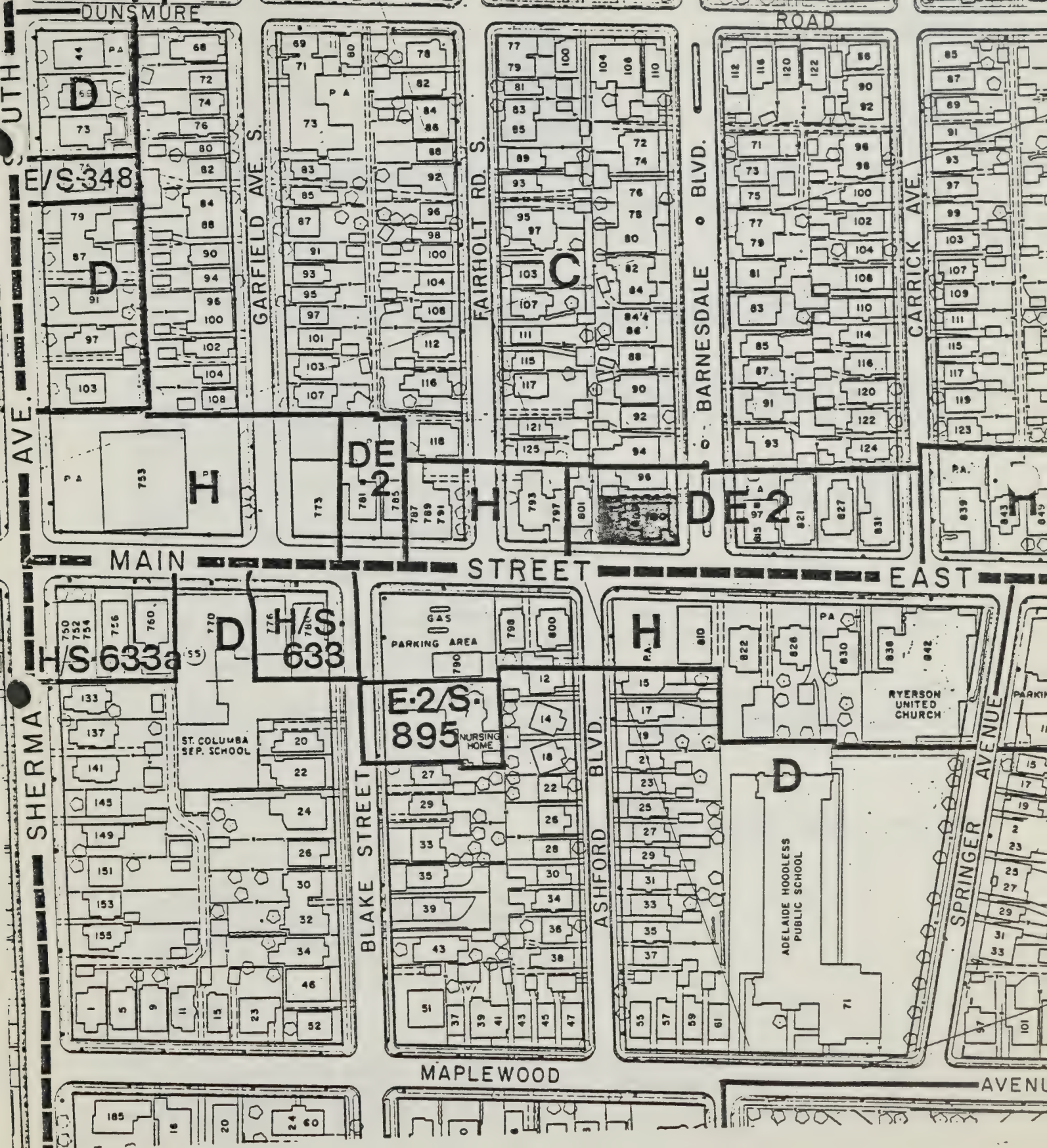
- 1) The proposal complies with the Official Plan.
- 2) The proposal does not conflict with the intent of the approved Stipeley Neighbourhood Plan.
- 3) The proposal cannot be supported for the following reasons:
 - a) There are two existing residential care facilities located within 180 m of the subject lands and several more within 360 m. The intent of the radial separation distance is to avoid an overconcentration of these facilities in any one neighbourhood. Approval of the application would only intensify the concentration of residential care facilities within one area.
 - b) It would set an undesirable precedent for future similar applications.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

JH/dkp

WP 0021P



LEGEND



SITE OF APPLICATION



APPENDIX A



THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

PUBLIC MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE

Application has been received from the Hamilton-Wentworth Head Injury Association, prospective owner, for a modification to the established "DE-2" (Multiple Dwellings) District regulations for property at No. 100 Barnesdale Boulevard, as shown on the attached map.

The purpose of the proposed modification is to permit the use of the subject property for a transitional living centre for persons recovering from head injuries, limited to a maximum of 8 patients.

The application complies with the City of Hamilton Official Plan.

It is requested that you complete and return the enclosed business reply card indicating your support or opposition to the proposed change. You may also submit additional comments in writing.

The Planning and Development Committee will consider this matter at a Public Meeting to be held in Room 233, City Hall on Wednesday, November 11, 1987 at 3:30 p.m. and you are invited to attend at that time.

Secretary
Planning and Development Committee

For Inquiries, please call
Planning and Development Department
City Hall 526-4445

/jd
October 23, 1987

In the event of a postal interruption, you may deliver the business reply card in person to the Planning Department, 7th Floor, City Hall, 71 Main Street West.

10c.

F O R A C T I O N

FROM: Planning and Development Department

DATE: November 4, 1987

TO: Planning and Development Committee

Refer to File No. SA-76-16
SA-83-02

Attention of V. J. Abraham

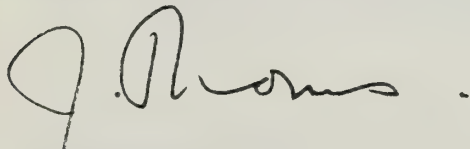
SUBJECT

Application for extension of draft approval.

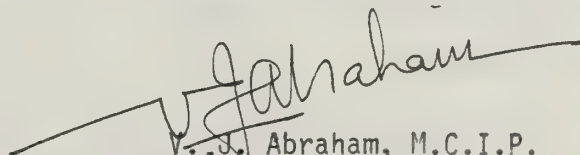
Regional File Nos. 25T-76024 - Battleridge Subdivision
25T-83004 - Wisemount Forest Survey - Phase 3

RECOMMENDATION

That the Region be requested to grant one year extensions to the draft approval for Battleridge Subdivision (Regional File No. 25T-76024) and Wisemount Forest Survey - Phase 3 Subdivision (Regional File No. 25T-83004).



J. D. Thoms, M.C.I.P.
Commissioner,
Planning and Development



V. J. Abraham, M.C.I.P.
Director,
Local Planning

BACKGROUND

OWNERS

Battleridge Subdivision - Sunshine Homes and DiCenzo Contruction
Wisemount Forest Survey - Phase 3 - S. Wise Construction Limited.

HISTORY

Battleridge Subdivision - Gershome Neighbourhood

Draft approved August 29, 1980, for 77 lots for single-family dwellings, 31 lots for semi-detached dwellings (62 units) and 3 blocks for townhouse dwellings (approximately 149 units).

Phase 1 registered in 1983 for 51 lots for single-family dwellings.

Phase 2 (under separate file as part of a townhouse block) registered in 1984 for 18 lots for single-family dwellings.

Extended in 1983, 1984, 1985 and 1986.

Present lapsing date November 29, 1987.

Requesting a further extension on the basis that engineering is being prepared for 1988 development.

Wisemount Forest Survey - Phase 3 - Lisgar Neighbourhood

Draft approved November 14, 1983, for 140 lots for single-family dwellings, 8 lots for semi-detached dwellings, 3 blocks for apartments (approximately 403 units) one block for townhouses (approximately 90 units).

Stage 1 registered in May 1987, for 7 lots for single-family dwellings and 8 lots for semi-detached dwellings.

Extended in 1986.

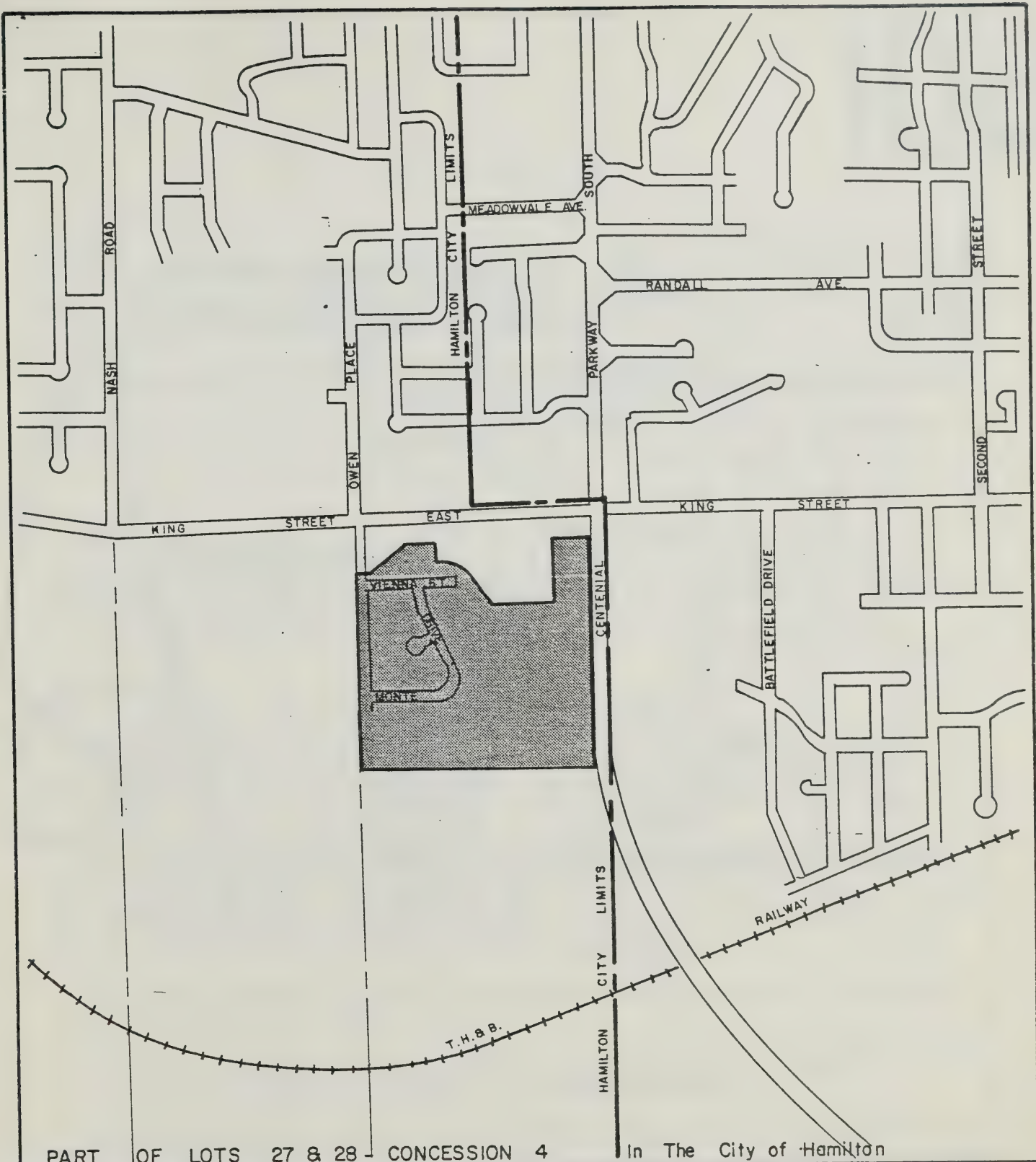
Present lapsing date November 14, 1987. (Region will issue interim extension pending receipt of City Council recommendation).

Requesting an extension for an unspecified period on the basis that the owner wishes to register Stage 2 in the near future.

CONCLUSIONS

The City of Hamilton originally recommended approval of the aforementioned draft plans subject to certain conditions which were subsequently included in the conditions of approval established by Regional Council.

The conditions of approval are still appropriate and no requests have been made to revise the plans or the conditions, therefore, the extensions should be supported on the basis of the usual extension of one year in each instance.



PART OF LOTS 27 & 28 CONCESSION 4 In The City of Hamilton

Location Plan For

BATTLE RIDGE SUBDIVISION

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

1" = 800'

Date

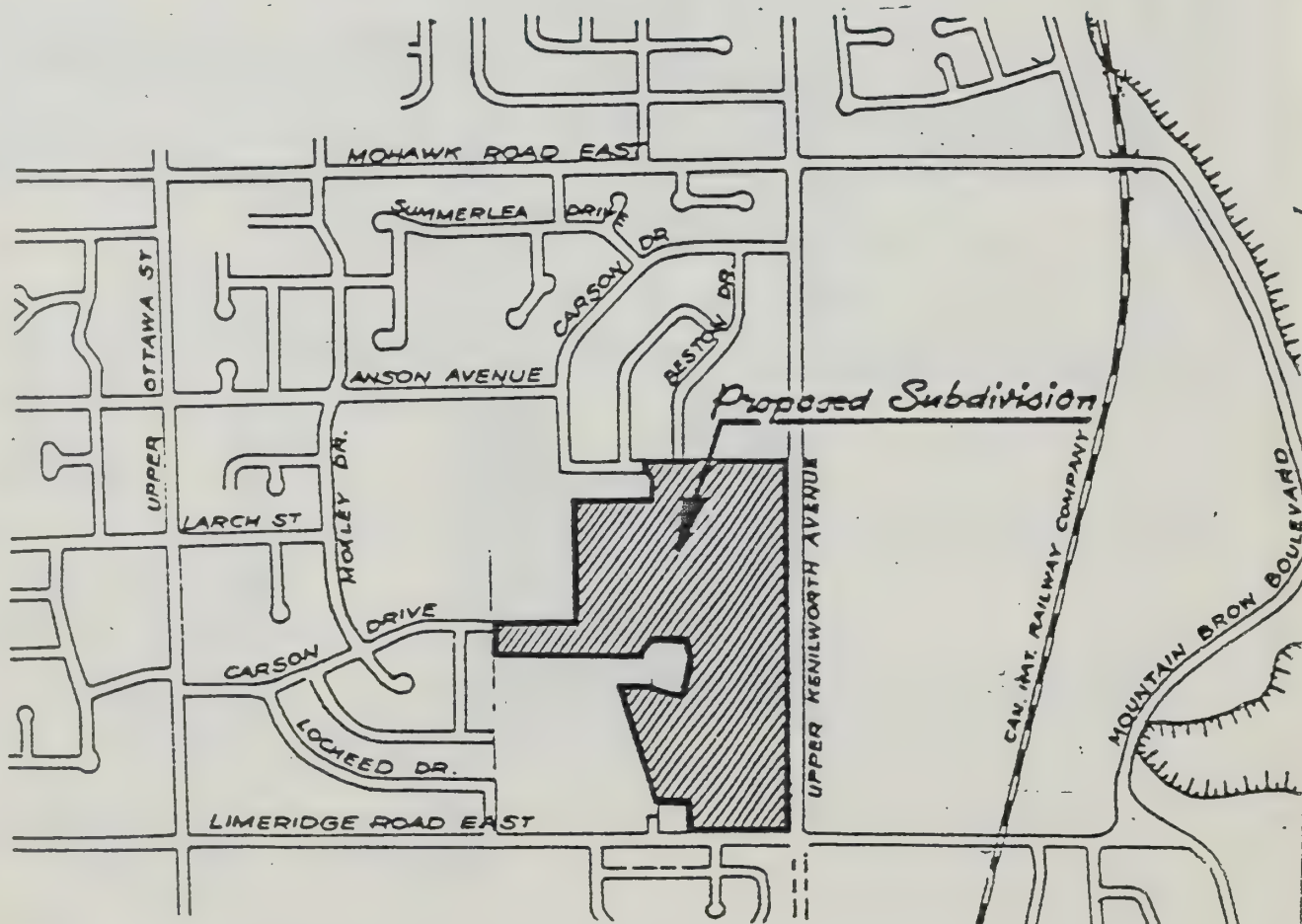
Aug. 1985

Reference File No.

25T-76024

Drawing No.

85-H-118



Location Plan For

WISEMOUNT FOREST SURVEY-PHASE 3

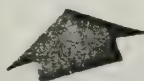
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

1:12,000

Date

83-03-03

Reference File No.

25T-83004

Drawing No.

83-H-25

10d.

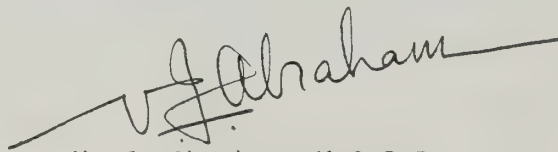
Attention V. J. Abraham

- a) That approval be given for application SA-87-18, T. J. Cooper & M. J. Cooper, owners, to establish a draft plan of subdivision located south of Rymal Road, west of Christie Street and north of the Ontario Hydro Electric Power Transmission line, subject to the following conditions:
1. That this approval apply to the plan proposed by Ashenhurst-Nouwens Limited, dated June 15, 1987, revised to show 48 lots, one block for park purposes, two blocks for open space and drainage purposes, a 2 m. x 2 m. daylight triangle, appropriate radii and a 20 m. width on the culs-de-sac as shown on the draft approved plan.
 2. That the road allowances be dedicated as public highways on the final plan.
 3. That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 4. That the final plan conform with the Zoning By-law approved under the Planning Act.
 5. That the owner convey 5% of the lands included in the plan to the City of Hamilton for park purposes, said conveyance to comprise of Block "49".

6. That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 7. The owner is to convey blocks "50" and "51" to the City of Hamilton for open space and drainage purposes.
 8. That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.
 9. That the owner shall erect a sign in accordance with Section X of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 10. That Final Approval for this plan of subdivision not be given prior to the establishment of the Twenty Mile Creek Sanitary Trunk Sewer.
 11. That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (SA-87-18), Thomas J. Cooper and Marjorie J. Cooper, owners, proposed draft plan of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development



V. J. Abraham, M.C.I.P.
Director - Local Planning Branch

BACKGROUND

Owner

T. J. Cooper and M. J. Cooper, Hamilton, Ontario.

Agent

G. F. Vulker, Hamilton, Ontario

Surveyor

Ashenhurst-Nouwens Ltd., Hamilton, Ontario.

Location

The lands, comprising 6.49 ha, are located south of Rymal Road, west of Christie Street and north of the Ontario Hydro Electric Power Transmission Line, in the Kennedy East Neighbourhood, being part of Lot 4, Concession 1, Township of Glanford, now in the City of Hamilton.

PROPOSAL

The owner proposes to subdivide the lands into 51 lots for single-family dwellings with lots being serviced from the new streets connecting to Malton Drive, Alderson Drive and Christopher Drive. The minimum lot size proposed would have a width of 15 m. and an area of 360 m.² which meets the minimum requirements of the "C" and "B-2" District zoning category.

COMMENTS FROM CIRCULATION

Subdivision Application

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Municipal Affairs
- Ministry of Transportation and Communications
- Ministry of the Environment
- Ministry of Citizenship and Culture (subject to standard archaeological conditions)
- Niagara Escarpment Commission
- Union Gas, Bell Canada
- City of Hamilton Board of Education
- City of Hamilton Traffic Department
- City of Hamilton Building Department (subject to rezoning)
- Township of Glanbrook (subject to maintaining existing storm drainage flow)

EXISTING DEVELOPMENT CONTROLS

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal complies.

City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for "Residential - single and double" uses, park and recreational, utilities and flood prone lands.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

Zoning - the lands are zoned to permit the proposed development "C" (Urban Protected Residential etc.) District; "A" (Conservation, Open Space, Park and Recreation) District; and "B-2" (Suburban Residential) District. The proposal complies.

The Hamilton-Wentworth Department of Engineering submitted the following comments and recommendations:

- " 1) Sewer easements are required in those areas marked in red on the attached plan. The proposed easement over parts of Blocks 53 and 54 and Lot 39 which extends up Alderson Drive, can be adjusted to lie over all of Block 54 as the easement extends to Alderson Drive.
- 2) Blocks 52 and 57 are not required to be separate blocks from the Region's point of view and can be added to adjacent lands. The sewer easements as noted above will cover the Region's requirements in these areas.
- 3) This subdivision will be serviced to the future Twenty Mile Creek Sanitary Trunk Sewer which is expected to be installed either prior to or in conjunction with the development of these lands. The release of the Final Plan of Subdivision should not be finalized until the timing of construction of the trunk sewer has been established.-
- 4) The proposed subdivision can be serviced by existing watermains on Malton Drive, Alderson Drive and Christopher Drive.
- 5) The Developer is to convey Block 56 to the City for park purposes in accordance with the approved neighbourhood plan. The area of these parklands may exceed the required area for the 5% Parkland requirement. Any credits will be dealt with under the City's subdivision agreement.
- 6) The Developer is to convey Blocks 53 & 55 to the City for open space and drainage purposes. Any compensation for those lands that may be due to the Subdivider will be dealt with under the City's subdivision agreement.
- 7) The Department of Transportation staff have made the following comments:
 - a) The centreline radius of the horizontal curves adjacent to Lots 44 & 45 and Lots 21, 22 & 23 do not conform to the minimum 110 metre centreline radius that is required for residential streets. The draft plan is to be amended accordingly.

- b) Horizontal curves should also be shown on Christopher Drive in the vicinity of Lot 1 and Lots 4 & 5 and must comply with the minimum radius noted in Item 7(a) above.
 - c) A 2 metre x 2 metre daylight triangle is to be established on Lot 31.
 - d) The cul-de-sac width at Lots 24 and 30 is to be established at 20 metres in width; the cul-de-sac radius established at 15 metres and the transition into the cul-de-sac is to be shown at a 9 metre radius.
 - e) The transition into the cul-de-sac on Alderson Drive adjacent to Lots 43 is to be established at a 9 metre radius.
 - f) Driveway access for Lot 23 is to be established on the north side of the lot; the access for Lot 44 is to be established on the easterly side of the lot; the access for Lot 45 is to be established on the westerly side of the lot with a vehicle turnaround on the private lands; access to Lot 46 is to be established on the west side of the lot, and access to Lots 24 and 30 are to be from the cul-de-sac only.
- 8) The Developer is to enter into subdivision agreements with the City of Hamilton and the Region of Hamilton-Wentworth prior to the development of any portion of the subject lands.
 - 9) We do not expect that there will be any cost sharing for those Regional services which are to be installed on the proposed streets. Financing of the proposed Sanitary Sewer which runs through the subdivision is already covered under the Capital Budget.
 - 10) The submitted plan as prepared by John P. Nouwens, O.L.S. and dated June 15, 1987, is satisfactory to the Departments of Engineering and Transportation, subject to the above-noted comments and recommendations."

The Niagara Peninsula Conservation Authority submitted the following recommendations:

- "1) That the developer prepare a drainage plan for the proposed subdivision in accordance with the South-West Mountain Master Servicing Plan for review and approval by the Conservation Authority.
- 2) That a permit be obtained from the Conservation Authority under Ontario Regulation 82/86 for construction of the dwellings to be located within the Flood-risk Zone.
- 3) That the subdivision agreement contain wording which will ensure that
 - a) the final elevation of the street be not lower than 18" below the Flood Elevation of 222.4 feet geodetic,

- b) the buildings located within the Floodplain be flood-proofed to the elevation of 222.4 feet geodetic,
- c) that no building within the Floodplain contain any opening below the elevation of 222.4 feet geodetic."

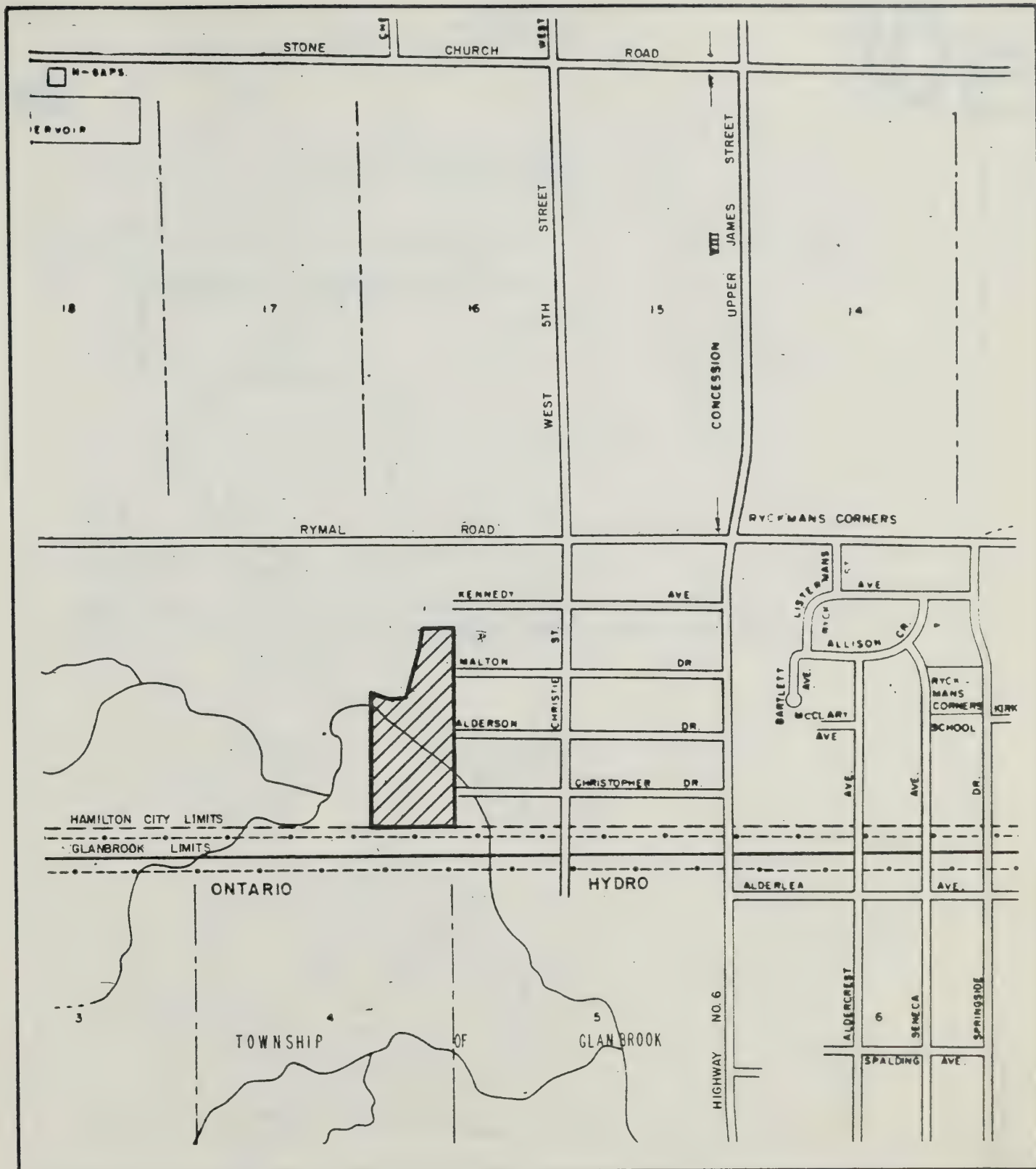
Ontario Hydro submitted the following comments and recommendations:

"We have no objections to the proposal provided the following conditions are included in the subdivision agreement:

- 1. A copy of the lot grading and drainage plan, showing existing and final grades, must be submitted to Ontario Hydro for review. Drainage must be controlled and directed from Ontario Hydro property.
- 2. Temporary fencing must be installed along the edge of the right-of-way prior to the start of construction at the developer's expense.
- 3. Permanent fencing must be installed after construction is completed along Ontario Hydro owned land.
- 4. Ontario Hydro property is not to be used without the express written permission of Ontario Hydro. The proponent will be responsible for restoration of any damage to the right-of-way resulting from construction of the subdivision."

COMMENTS

- 1. The conformity of the proposal with the Official Plans and the Zoning By-law is noted.
- 2. The neighbourhood plan shows that the lands of Block "49" are designated as a Park. A condition should request that Block "49" be conveyed to the City for park purposes.
- 3. The plan is revised by deleting proposed lots 38 to 40 inclusive and block 54 and by including the area into Block "51" for open space and drainage purposes. The deleted area, if permitted to develop, would need extensive "infill" and grading, requiring retaining walls to secure the filled area from erosion and slippage on to the lands which are proposed to be conveyed to the City of Hamilton for open space and drainage purposes.
- 4. The requirements of the Township of Glanbrook and the Ministry of the Environment and Ontario Hydro can be implemented through the conditions of draft approval by the Regional Municipality.



Location Plan For

COOPER'S FARM

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



PROPOSED SUBDIVISION

North



Scale

1" = 1000'

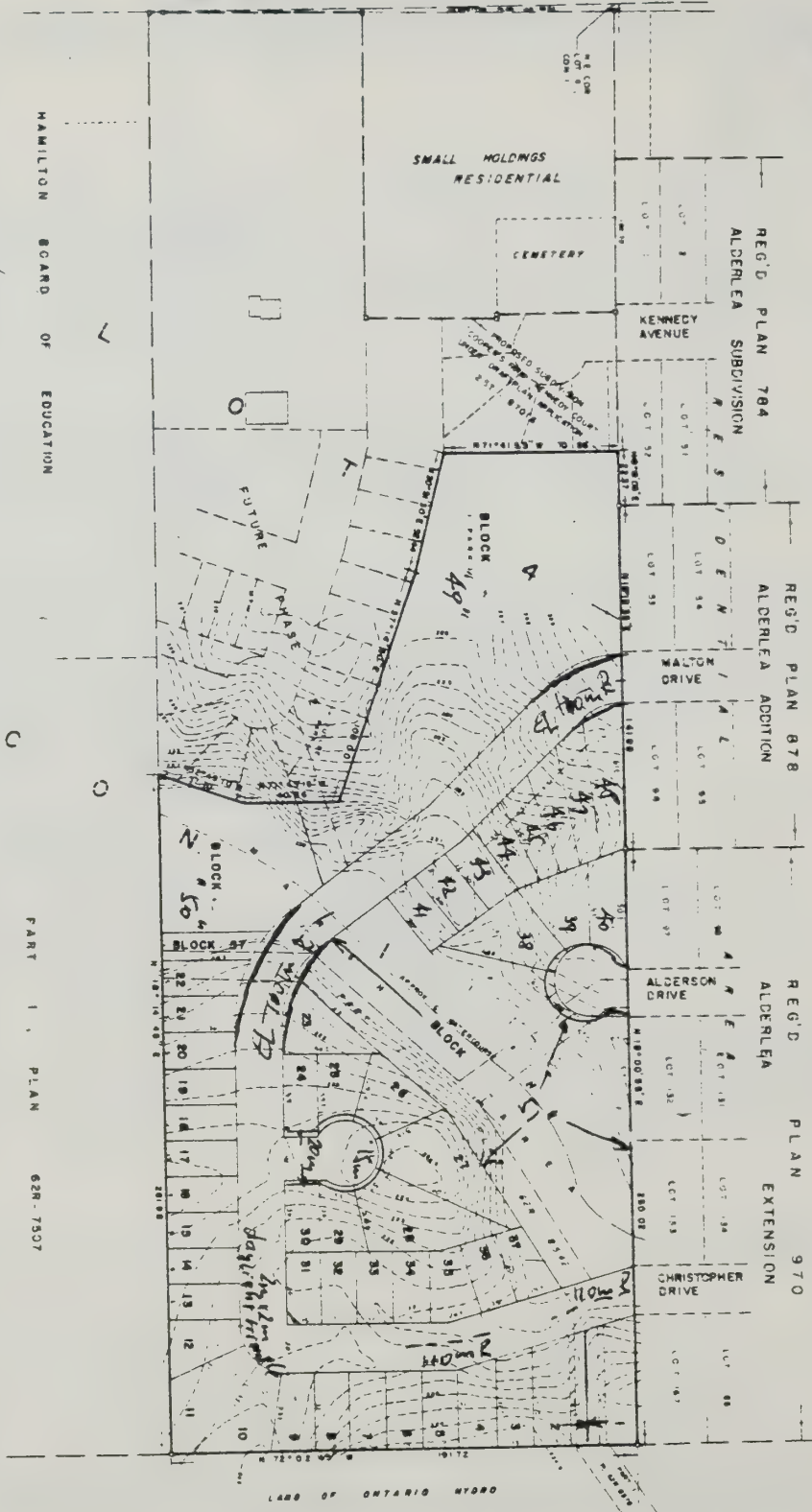
Reference File No.

25T-87023

Date

JUNE 23, 1987

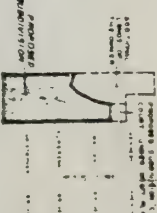
Drawing No.



SISTER ELIZABETH VILLAGE

HAMILTON BOARD OF EDUCATION PART I, PLAN 628-7537

KEY PLAN: SCALE 200'



METRIC NOTE.

DISTANCES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

OWNER'S CERTIFICATE:

IN ACCORDANCE WITH SECTION 50(1) OF THE PLANNING ACT 1983, I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LOTS TO BE SUBDIVIDED ARE ACCURATELY AND COMPLETELY SHOWN ON THE PLAN OF COOPER'S FARM TO THE REGIONAL MUNICIPALITY OF HAMILTON HERETOFORE, FOR APPROVAL.

DATE: June 15/87 BY: J.P. Williams

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LOTS TO BE SUBDIVIDED ARE ACCURATELY AND COMPLETELY SHOWN ON THE PLAN OF COOPER'S FARM TO THE REGIONAL MUNICIPALITY OF HAMILTON HERETOFORE, FOR APPROVAL.

DATE: June 15/87 BY: J.P. Williams



« PHASE 1 »

BEING A PROPOSED SUBDIVISION OF PART OF LOT 4, CONCESSION 1

TOWNSHIP OF GLANFORD CITY OF HAMILTON REGIONAL MUNICIPALITY OF HAMILTON

SCALE: 1:1000 METERS JOHN P. MOORENS, L.S. - 1987

SCHEDULE RE. SECTION 50(2)

- A. SHOW
- B. SHOW
- C. SHOW
- D. SHOW
- E. SHOW
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- W. SHOW
- X. SHOW
- Y. SHOW
- Z. SHOW

SCALE: 1:1000 METERS

ASHEHURST MOORENS LIMITED PROFESSIONAL ENGINEERS & ONTARIO LAND SURVEYORS 1400 SHEPPARD AVENUE EAST SUITE 100 SCARBOROUGH, ONTARIO M1S 1T5

25T-87023 (Revised) SA-87-18

10e.

FOR INFORMATION

FROM Planning and Development Department

November 5, 1987

TO Planning and Development Committee

Refer to File Nos.

DA-86-66

DA-87-56

DA-87-69

DA-87-71

DA-87-74

DA-87-85

DA-87-87

BACKGROUND

The attached Site Plan Control Applications have been approved by the Chairman of the Planning and Development Committee and the Alderman of the Ward.

JPS:cs

F O R A C T I O N

FROM Planning and Development Department DATE October 23, 1987
TO Planning and Development Committee Refer to File No. DA-86-66
 RIVERDALE EAST
 NEIGHBOURHOOD
 Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for a two-storey structure to be constructed at 302 Grays Road to replace an existing commercial-residential building. The new building will have a 30 seat restaurant/take-out facility on the first floor and one residential unit on the second floor.

Three parking spaces are located in front of the building with an additional two spaces at the rear of the building.

A variance is proposed by the development to reduce the southerly side yard from 6.0 m to 3.05 m wide.

COMMENT

Since the driveway provides access to only two parking spaces and will not affect the adjacent properties, the proposed variances can be supported.

RECOMMENDATION

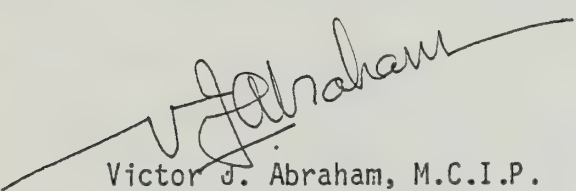
That approval be given to Site Plan Control Application DA-86-66 by Giuseppina Carbone, owner of the lands at 302 Grays Road for development of a new restaurant with a second floor residential unit subject to the following:

- a) modifications to the plans related to dimensions, notes, grading and landscaping as marked in red on the plans;
- b) approval of the variances by the Committee of Adjustment to reduce the width of the required southerly driveway/side yard from 6.0 m to 3.05 m; and,

.../2

c) provision of the following notes on the plan:

- (i) The storage and preparation room in the rear section of the first floor cannot be used as a banquet hall or assembly area.
- (ii) The second floor contains maximum one apartment unit.

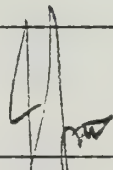

Victor J. Abraham, M.C.I.P.
Director of Local Planning

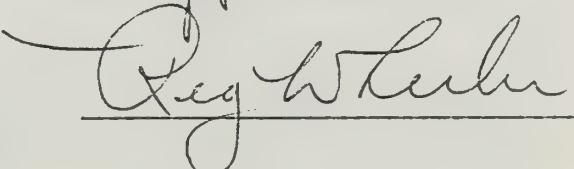
Approved On:

Alderman John Smith
Chairman

Alderman Reg Wheeler
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P


Oct 29/87.



F O R A C T I O N

FROM Planning and Development Department

DATE October 22, 1987

TO Planning and Development Committee

Refer to File No. DA-87-56

Attention Of V. J. Abraham

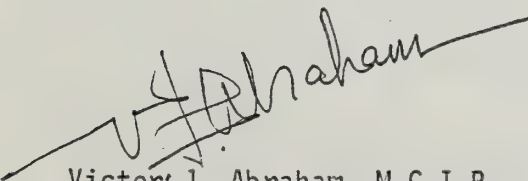
PROPOSAL

The owner for the proposed office development at 17 Dundurn Street South has requested a modification to the condition of approval of Site Plan Control Application DA-87-56.

In order to expedite the proposal due to time constraints, the owner has provided an undertaking to provide the required road widening along Dundurn Street South. The registration of the appropriate documents would be provided on or before November 30, 1987.

RECOMMENDATION

That approval be given to a request to modify condition (b) of the approval of Site Plan Control Application DA-87-56 to accept the attached undertaking to complete the dedication of the required road widening by November 30, 1987.

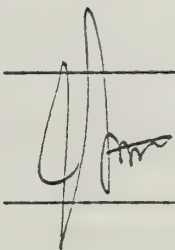
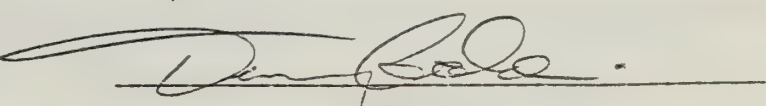

Victor J. Abraham, M.C.I.P.
Director of Local Planning

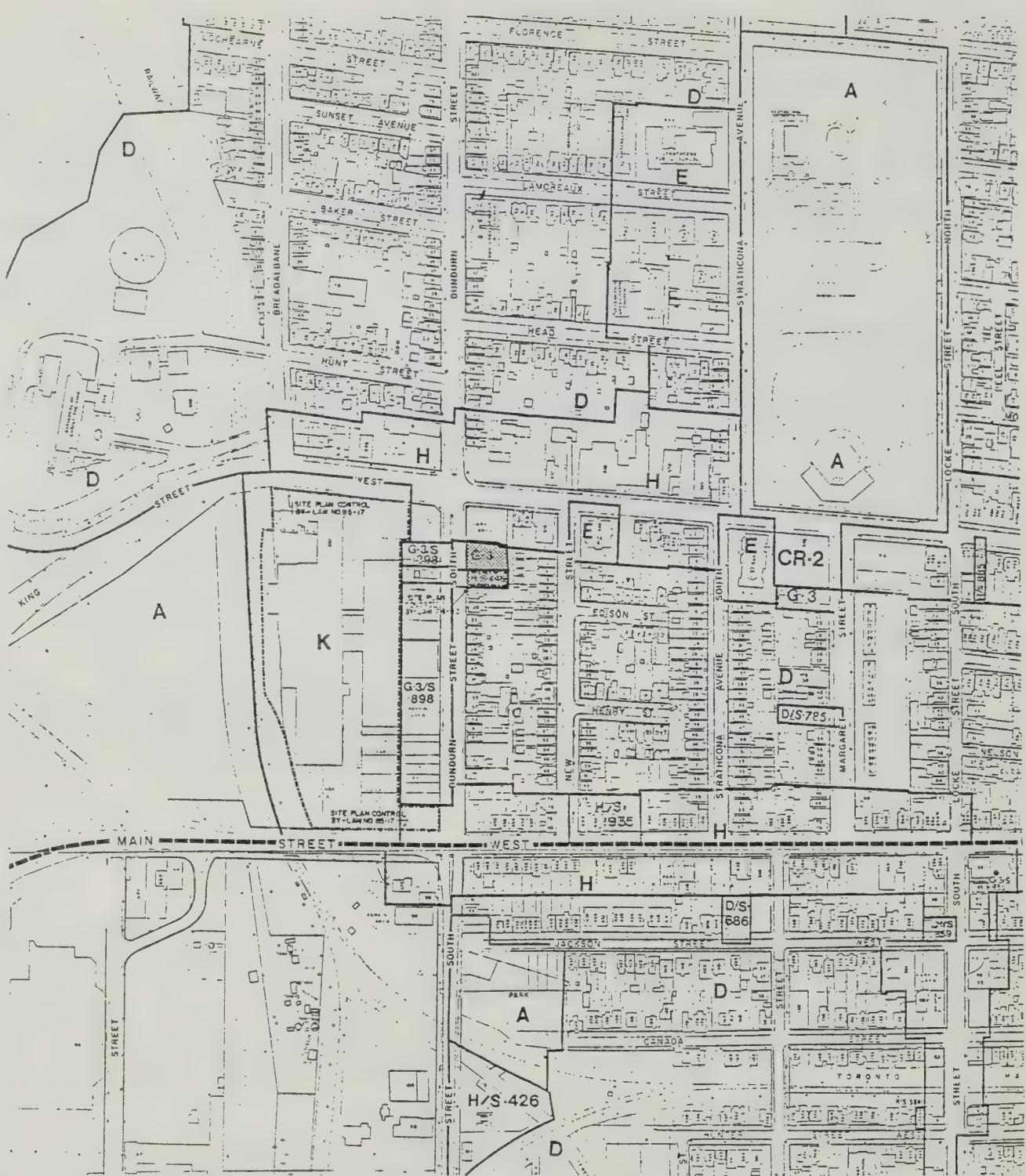
Approved On:

Alderman John Smith
Chairman

Alderman Terry Cooke
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

 Oct 29/87.




92 KIRKENDALL NORTH

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-52

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
JUNE, 1987

Reference File No.
DA-87-56

Drawing No.
87-H-54

FOR ACTION

FROM Planning and Development Department DATE October 8, 1987

TO Planning and Development Committee Refer to File No. DA-87-69
BEASLEY
NEIGHBOURHOOD

Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for a rear addition to an existing vacant 2 1/2 storey building located at 178 John Street. The development will provide facilities for a 20 unit residential care facility. Parking for seven vehicles is provided at the rear of the lot with access from John Street South.

COMMENTS

The development proposes variances reducing the northerly side yard from 5.026 m (16.492 ft.) to 4.20 m (13.80 ft.) and landscape area from 186.8 m² (2,010.75 sq.ft.) to 167.22 m² (1,800 sq.ft.).

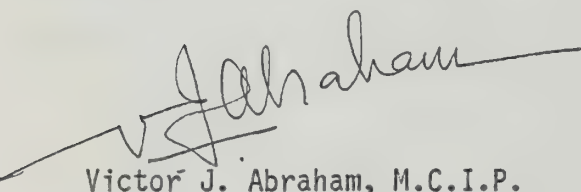
These variances can be supported since they are minor in nature and do not adversely affect the adjacent properties.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-69 by Zelda Daley, owner of lands at 178 John Street North for development of a 20 unit residential care facility subject to the following:

- a) modifications to the plan related to dimensions, notes, grading and landscaping as marked in red on the plans;
- b) approval by the Committee of Adjustment for the following variances:
 - i) to reduce the required side yard from 5.026 m (16.492 ft.) to 4.20 m (13.80 ft.).
 - ii) to reduce the required landscape area from 186.8 m² (2,010.75 sq.ft.) to 167.22 m² (1,800 sq.ft.).
- c) provision of appropriate encroachment agreement with the Region for the existing porch encroachment on John Street North;

- d) provision of a 1.8 m to 2.0 m high visual barrier adjacent to the proposed parking area and driveway as marked in red on the plans; and,
- e) modification to the plan to retain the character of the existing building in window and porch details as marked in red on the plans.

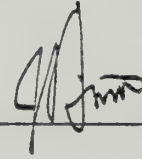

Victor J. Abraham, M.C.I.P.
Director of Local Planning

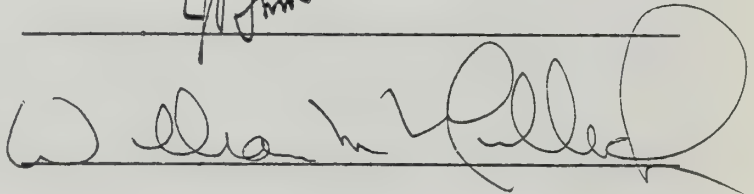
Approved On:

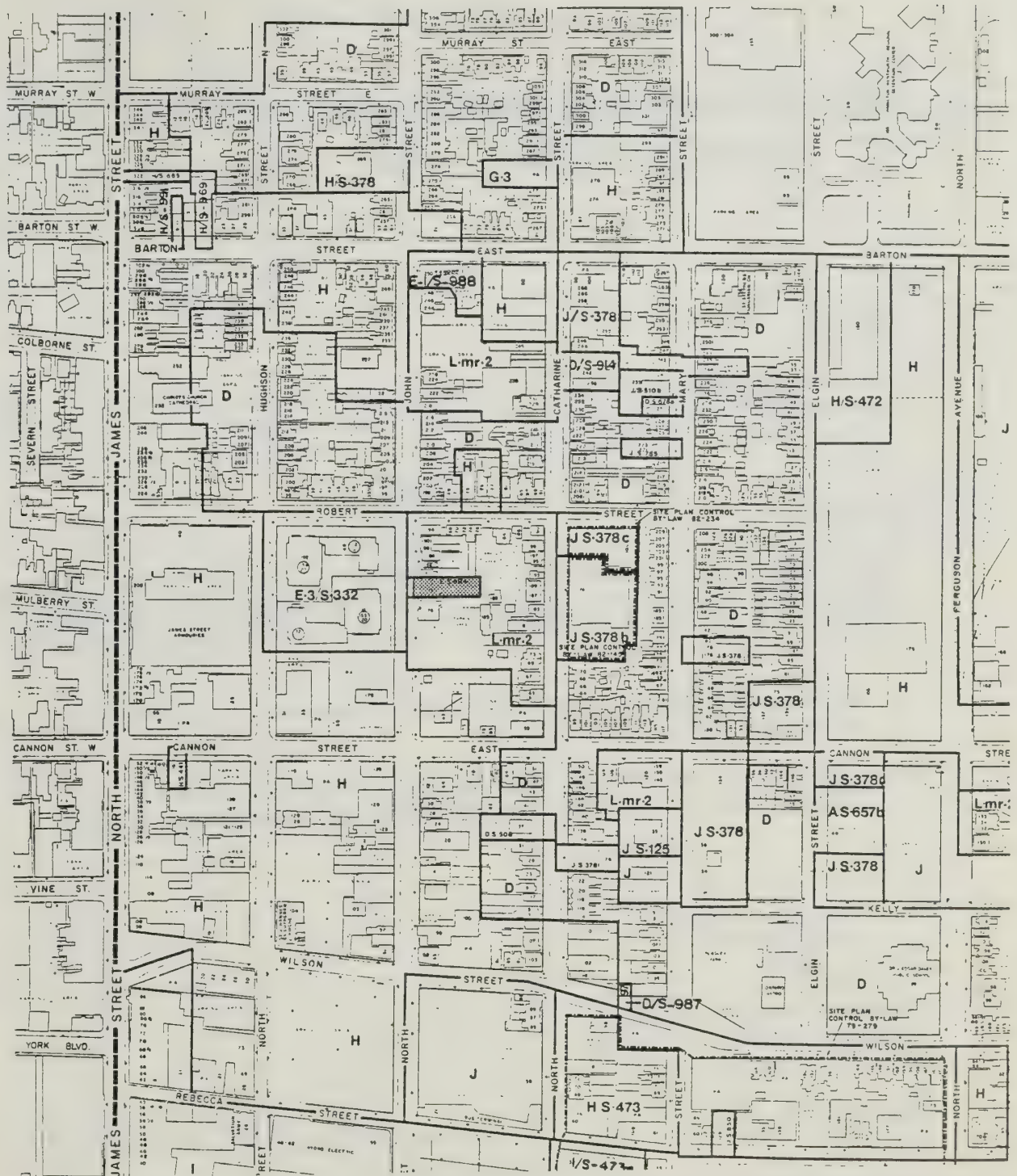
Alderman John Smith
Chairman

Alderman William McCulloch
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P


Oct 23/87.





10 BEASLEY

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-69

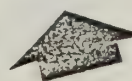
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
AUG. 1987

Reference File No.
DA-87-69

Drawing No.
87-H-

F O R A C T I O N

FROM Planning and Development Department DATE October 26, 1987
TO Planning and Development Committee Refer to File No. DA-87-71
 RYMAL
 NEIGHBOURHOOD
 Attention Of V. J. Abraham

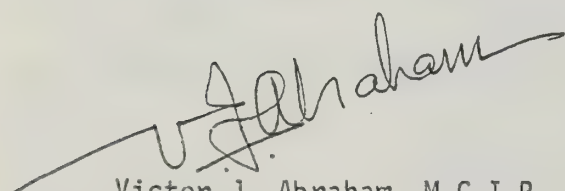
PROPOSAL

Plans have been submitted for a one-storey industrial building located on the east side of Hempstead Drive, north of Unsworth Drive. The proposed building coverage is 892 m² (9601.7 sq.ft.) and 22 parking spaces are to be provided.

RECOMMENDATION

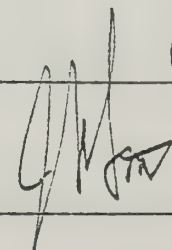
That approval be given to Site Plan Control Application DA-87-71 by Townsend Plumbing and Heating Ltd., owners of lands located on the east side of Hempstead Drive, north of Unsworth Drive for a one-storey industrial building subject to the following:

- a) modification to the plans related to dimensions, notes and landscaping as marked in red on the plans;
- b) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department.

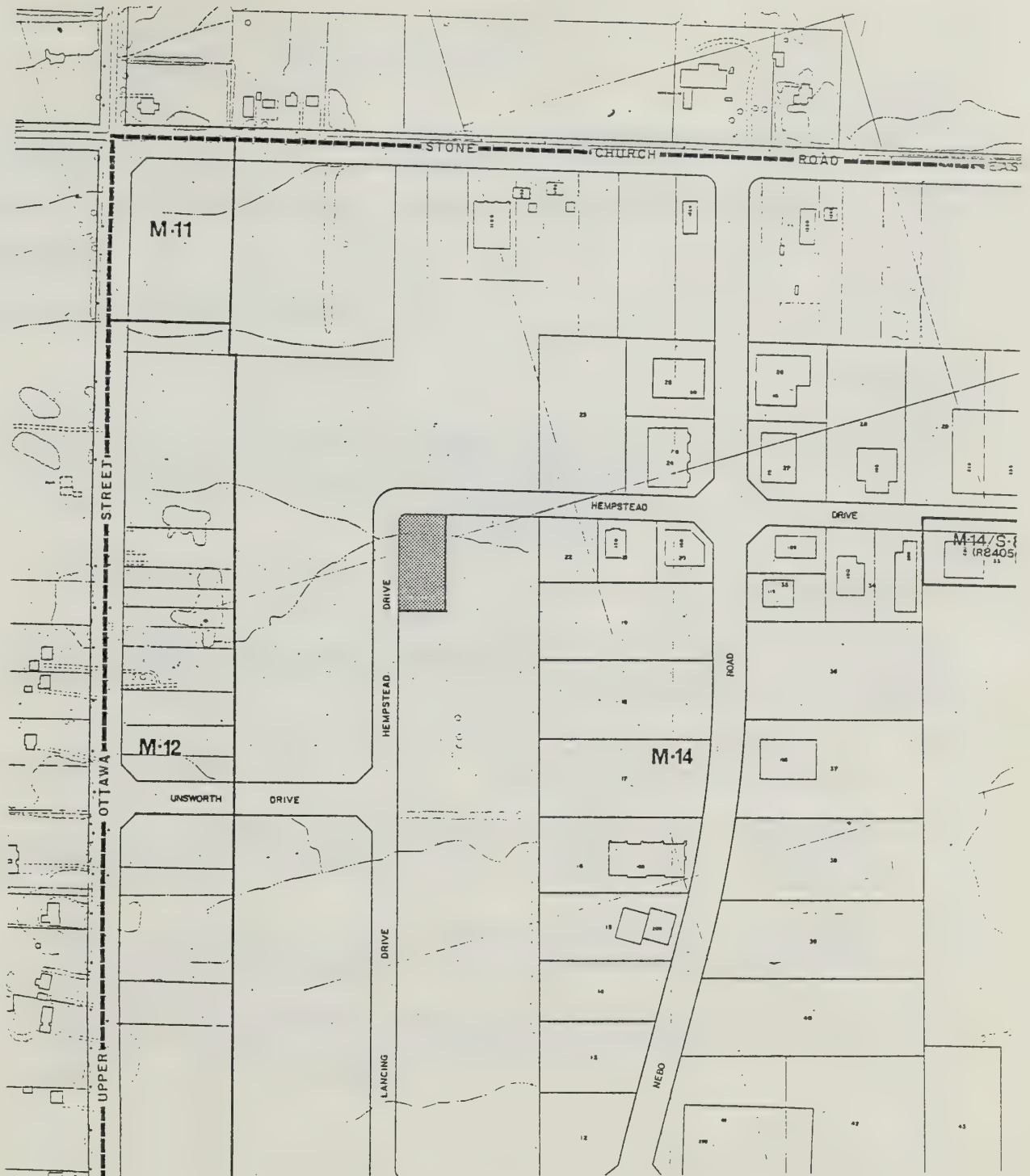

Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman and Ward Alderman

 Oct 29/87.

VJA/JPS/jd
W.P.DOC.0390P



120 RYMAL

PLAN SHOWING
LANDS SUBJECT TO
SITE PLAN CONTROL
APPLICATION DA-87-71

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
AUG., 1987

Reference File No.
DA-87-71

Drawing No.
87-H-

F O R A C T I O N

FROM Planning and Development Department

DATE October 27, 1987

TO Planning and Development Committee

Refer to File No. DA-87-74
RYMAL
NEIGHBOURHOOD

Attention Of V. J. Abraham

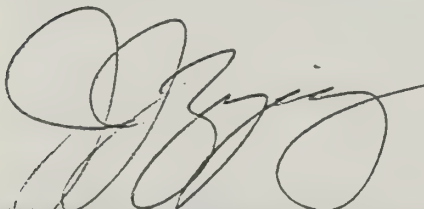
PROPOSAL

Plans have been submitted for an industrial complex at 1275 Rymal Road East. The proposal includes 120 parking spaces and 5,525.41 m² (59,477 sq.ft.) of gross floor area. The proposed building section is one and two storeys in height, and constructed of architectural block.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-74 by Fortino's Supermarkets, owner of the lands at 1275 Rymal Road East for an industrial complex subject to the following:


- a) modification to the plans related to dimensions, notes and parking layout as marked in red on the plans;
- b) provision of a note on the plan pertaining to traffic studies to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;
- c) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department; and,
- d) submission of a landscape plan to the satisfaction of the Director of the Planning and Development Department.



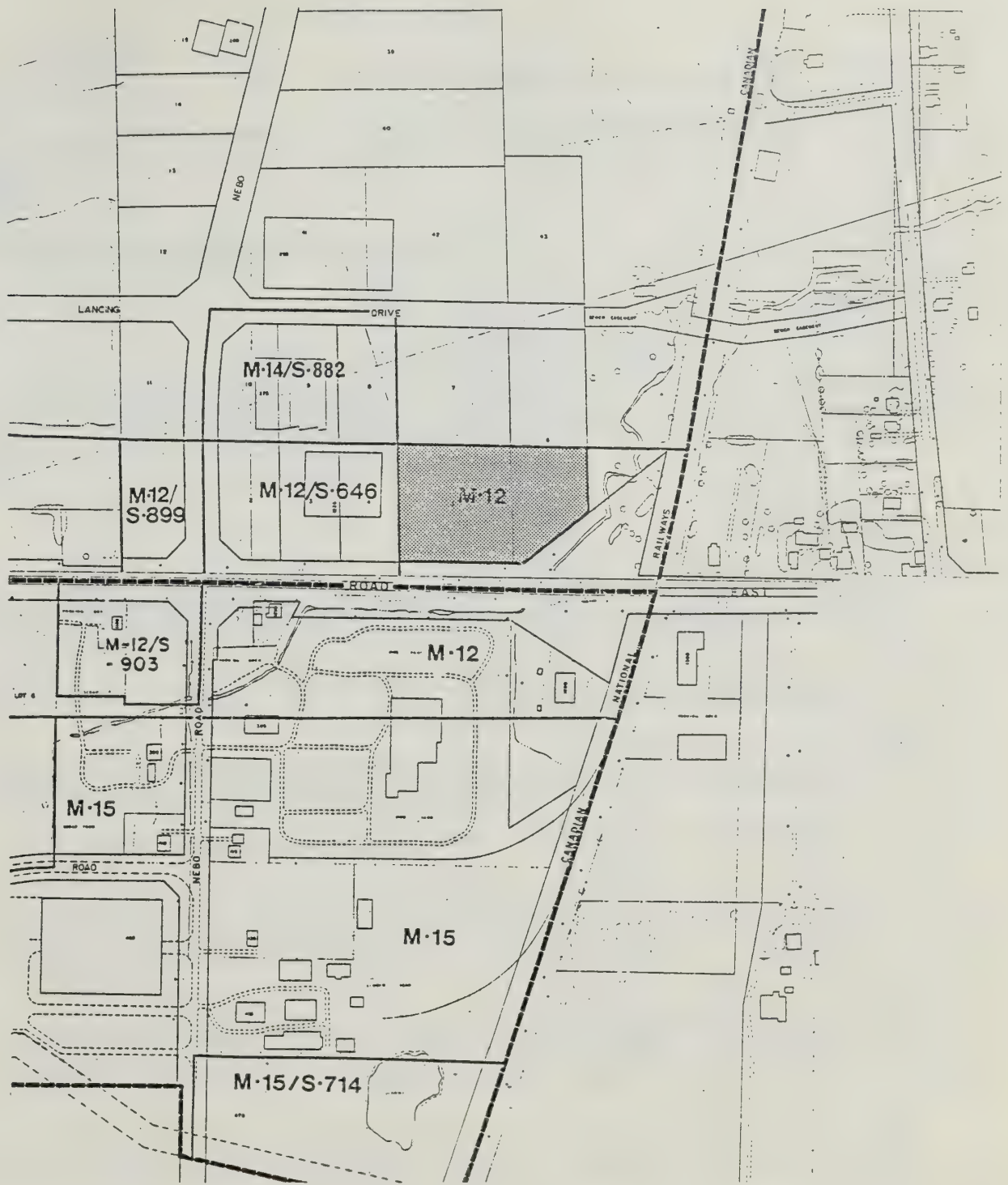
Victor J. Abraham, M.C.I.P.
Director of Local Planning

Approved On:

Alderman John Smith
Chairman and Ward Alderman



Oct 27/87.



64 HANNON WEST

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-74

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
AUG., 1987

Reference File No.
DA-87-74

Drawing No.
87-H-

FROM Planning and Development DepartmentDATE October 26, 1987TO Planning and Development CommitteeRefer to File No. DA-87-85
KENNEDY EAST
NEIGHBOURHOODAttention Of V. J. AbrahamPROPOSAL

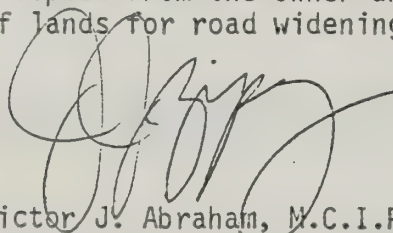
Plans have been submitted for a one-storey retail store and gas bar at 1660 Upper James Street. The proposal includes 883.5 m² (9510 sq.ft.) of floor area and 28 parking spaces with access from Upper James Street and Kennedy Street.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-85 by Target Convenience Stores Ltd., owner of the lands at 1660 Upper James Street, for a retail store and gas bar development subject to the following:

- a) modification to the plans related to dimensions, notes, landscaping and mechanical screening as marked in red on the plans;
- b) submission of a revised grading plan to the satisfaction of the Commissioner of the Hamilton-Wentworth Engineering Department;
- c) incorporation of the final comments from the Building Department;
- e) modification to the note shown on the plan that the canopy over the gas pump islands will be permitted upon approval from the Committee of Adjustment to reduce the required yard from 12.0 m to 2.0 m (39.4 ft to 6.6 ft.);
- d) dedication to the Regional Municipality of Hamilton-Wentworth approximately 3.048 m (10 ft.) of land along the Upper James Street property line for road widening purposes;


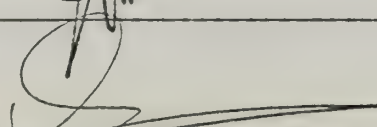
and further that in regard to condition (d) that a letter of undertaking be accepted from the owner and his solicitor to provide the required dedication of lands for road widening by December 18, 1987.


 Victor J. Abraham, M.C.I.P.
 Director of Local Planning

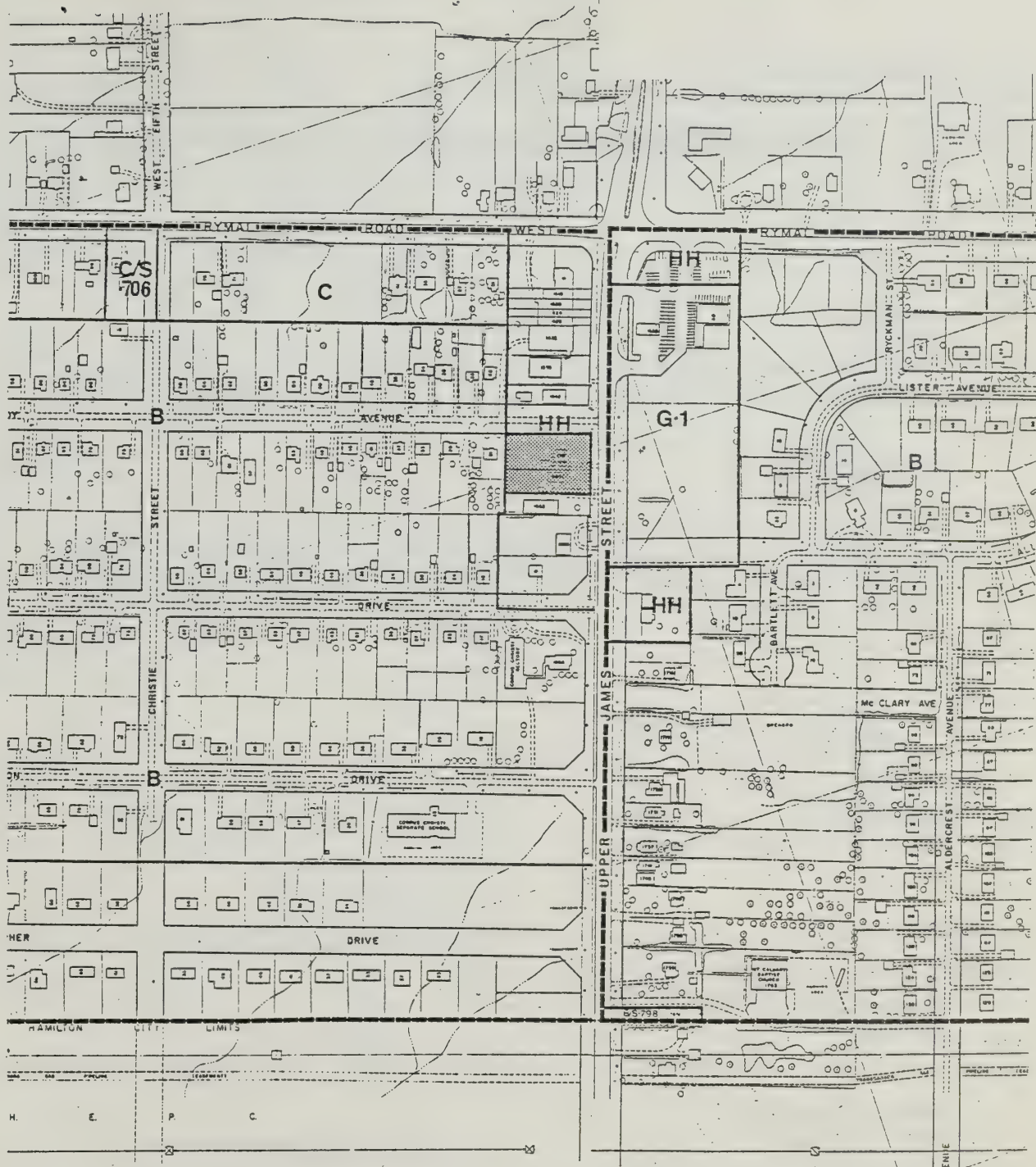
Approved On:

 Alderman John Smith
 Chairman

 Alderman Don Ross
 Ward Alderman

83 KENNEDY EAST



6 ALLISON

PLAN SHOWING
LANDS SUBJECT TO

SITE PLAN CONTROL
APPLICATION DA-87-85

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend



SITE OF THE APPLICATION

North



Scale
1:5,000

Date
SEPT., 1987

Reference File No.
DA-87-85

Drawing No.
87-H-

F O R A C T I O N

FROM Planning and Development Department

DATE October 26, 1987

TO Planning and Development Committee

Refer to File No. DA-87-87
KENNEDY EAST
NEIGHBOURHOOD

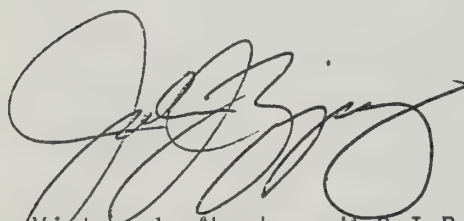
Attention Of V. J. Abraham

PROPOSAL

Plans have been submitted for a sunroom addition to residential unit at 387 Rymal Road West, 7 Father Bivo Trail, St. Elizabeth Village.

RECOMMENDATION

That approval be given to Site Plan Control Application DA-87-87 by St. Elizabeth Home Society of Hamilton, owner of the residential complex at 387 Rymal Road West and further, that the owner be released from signing the required undertaking.



Victor J. Abraham, M.C.I.P.
Director of Local Planning

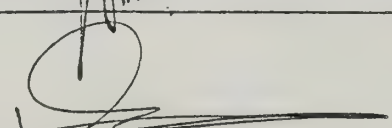
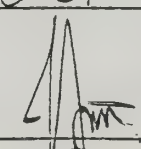
Approved On:

Alderman John Smith
Chairman

Alderman Don Ross
Ward Alderman

VJA/JPS/jd
W.P.DOC.0390P

Oct 30/87.



11.

F O R A C T I O N

FROM: Planning and Development Department

DATE: October 29, 1987

TO: Planning and Development Committee

Refer to File No. ZA-87-90

RUSHDALE

NEIGHBOURHOOD

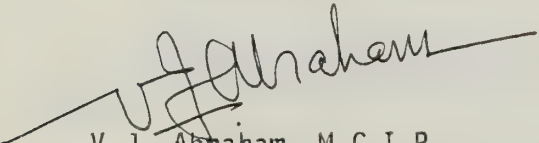
SUBJECT

Request for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District and to change the Official Plan from "Residential" to "Commercial" for lands located on the north side of Stone Church Road East and west of the Ontario Hydro right-of-way, as shown on the attached map. The purpose of the proposed change in zoning is to permit future development of the subject site for a neighbourhood shopping centre.

RECOMMENDATION

That Zoning Application ZA-87-90 Hamilton General Homes (1971) Limited, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District and to change the Official Plan from "Residential" to a "Commercial" land use designation, for property located on the north side of Stone Church Road East and west of the Ontario Hydro right-of-way as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:

1. The proposed development would be incompatible with existing and proposed residential development in this area.
2. The proposal does not comply with the intent of both the Official Plan and the approved Rushdale Neighbourhood Plan.
3. There is an adequate supply of commercial land, existing and proposed, within this area along the abutting arterial roads to serve the needs of present and future inhabitants of this area.
4. There is a residential lot abutting to the south-east which is not incorporated in the proposal.


V.J. Abraham, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

APPLICANT

Hamilton General Homes (1971) Ltd., owner.

LOT SIZE AND AREA

An irregularly shaped parcel of land having:

- 13.18 m (43.24 ft.) of lot frontage on Stone Church Road East:
- approximately 141.92 m (465.0 ft.) of lot depth adjacent to a future neighbourhood entrance road; and,
- a lot area of approximately 0.6 ha (1.50 acres).

OFFICIAL PLAN

Designated "Residential" on Schedule "A" - The Land Use Concept Plan of the Official Plan and subject to the following policy.

- A.2.1.3 - Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- iv) Limited individual or groups of commercial uses on site not exceeding .4 hectares in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

Since the proposed shopping centre is greater than 0.4 ha (1.0 acres) in size, it is not a permitted use within the RESIDENTIAL designation and does not comply with the Official Plan. If the application is approved, an Official Plan Amendment will be required to redesignate the subject lands from RESIDENTIAL to COMMERCIAL.

NEIGHBOURHOOD PLAN

Designation for "Single and Double" residential development on the approved "Rushdale" Neighbourhood Plan. The proposal does not comply and would require a redesignation from "Single and Double" residential to a "Commercial" land use designation.

BACKGROUND

By way of a letter dated August 5, 1987, the applicant has submitted his reasons to justify the requested change in zoning (See APPENDIX "B" attached).

COMMENTS RECEIVED

- The Building Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee have no comments or objections to the proposal.
- The Traffic Department has advised that:

"The application to permit the commercial development of the subject lands is satisfactory. However, we recommend that the applicant undertake a land assembly to include the remaining lands to the east, to provide for a comprehensive development having access to the future midblock collector and Stone Church Road East."
- Ontario Hydro has advised that:

"While we do not object to the approval of the proposed zoning by-law amendment, we wish to ensure that no adverse impacts occur with the site development to our abutting lands. Therefore, to ensure that we have no concerns with the subject development, please forward a copy of the related site plan for our review."
- The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains as well as separate storm and sanitary sewers are available on Stone Church Road to service the subject lands.

The designated road allowance width of Stone Church Road is 30.48 m (100 feet). We do not anticipate any further road allowance widenings on Stone Church Road at this time.

As we have not yet received any plans for development, we advise that any work within the adjacent road allowances, as widened, must conform to the respective streets By-Laws.

As noted in our previous comments (draft plan of subdivision 25T-86022, Land Severance H-31-86 and Site Plan Control Application), we recommended that the plans be revised in order that the centreline of the midblock collector, north of Stone Church Road, align centreline to centreline with the midblock collector, as established by Plan 62M-465. According to our records, the centreline offset is + 5.0 feet. We recommend that either the plans be revised to conform to our previous comments or that the applicant/owner provide us with Engineering drawings which will indicate to us that the roads and utilities can be properly located with this offset.

We also recommend that the agreement with the Ministry of Government Services be executed and that the midblock collector street, north of Stone Church Road, be dedicated (deeded) to the City of Hamilton prior to the zoning approval.

Detailed comments on access will be submitted at such time as site plans are submitted for our review."

COMMENTS

1. The proposal conflicts with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved "Rushdale" Neighbourhood Plan which designates the site for "Single and Double" residential development.
3. With regard to commercial development it is noted from the attached map (see APPENDIX C) that there are a number of commercial sites (existing and proposed) in this area to adequately service the needs of existing and future residents. A new shopping center has recently been completed on the west side of Upper Wentworth Street at Pescapa Avenue within the Crerar Neighbourhood which is located within approximately 548.6 m (1,800 ft.) of the subject lands. In addition, there is a proposed shopping center located on the east side of Upper Sherman Avenue, between the proposed Mountain Freeway and Stone Church Road within the Randall Neighbourhood, which is within approximately 640 m (2,100 ft.) of the site. Furthermore, two multi-centers (Butler and Ryckmans) are located within approximately 487 m (1,600 ft.) and 1,097 m (3,600 ft.) of the site respectively. The site is also located within approximately 1,207 m (3,960 ft.) of Limeridge Mall and commercial development along Upper Wentworth Street, and is located within 548.6 m (1,800 ft.) of a proposed shopping center located on the west side of Upper Wentworth Street north of Stone Church Road East within the Barnstown Neighbourhood.
4. Single family and two family development would be more compatible with existing and proposed development at this location than would commercial development. As shown on the attached map marked as APPENDIX "A", the lands to the north and south are zoned "C" (Urban Protected Residential) District and the lands to the east are zoned "AA" (Agricultural) District (Ontario Hydro lands), "RT-20" (Townhouse and Maisonette) District and "D" (Urban Protected Residential One and Two Family Dwellings, Townhouses, etc.) District.
5. The Department questions the need for a further 0.60 ha (1.50 acres) of commercial development in this area on the mountain, taking into consideration the existing and proposed commercial development already approved. The introduction of more commercial development will further undermine the viability of these approved sites.

CONCLUSION

On the basis of the foregoing, the application should be denied.

GAW/dkp

WP 0021P



THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

PUBLIC MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE

Application has been received from Hamilton General Homes (1971) Limited, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District and to change the Official Plan, for lands on the north side of Stone Church Road East and west of the Hydro Right of Way, as shown on the attached map.

The purpose of the proposed change in zoning is to permit future development of the subject site for a neighbourhood shopping centre.

The application does not comply with the City of Hamilton Official Plan and the Neighbourhood Plan. Therefore, amendments to the Plans will be required as a result of this application.

It is requested that you complete and return the enclosed business reply card indicating your support or opposition to the proposed change. You may also submit additional comments in writing.

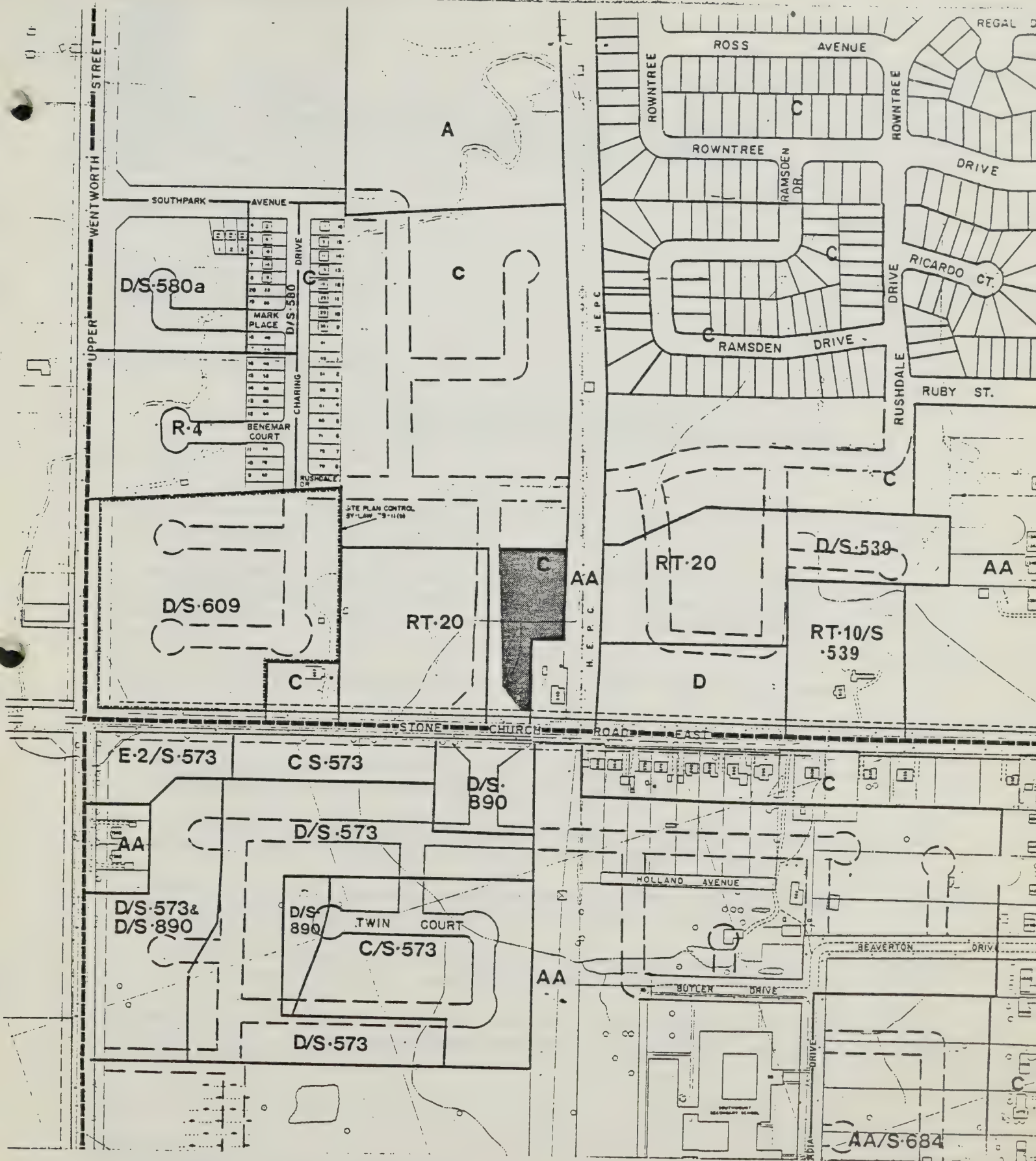
The Planning and Development Committee will consider this matter at a Public Meeting to be held in Room 233, City Hall on Wednesday, November 11, 1987 at 3:00 p.m. and you are invited to attend at that time.

Secretary
Planning and Development Committee

For Inquiries, please call
Planning and Development Department
City Hall 526-4445

/jd
October 23, 1987

In the event of a postal interruption, you may deliver the business reply card in person to the Planning Department, 7th Floor, City Hall, 71 Main Street West.



LEGEND

 SITE OF THE APPLICATION

 ZA 87-90



Hamilton General Homes (1971) Ltd.

August 5, 1987

City of Hamilton
71 Main St.W.
Hamilton, Ontario
L8N 3T4

Att: Planning Department

RE: APPLICATION FOR A CHANGE IN ZONING
PART 8-BACKGROUND INFORMATION/JUSTIFICATION

Dear Sirs:

With reference to the application for a change in zoning on Part 2 Plan 62R-8968, we offer the following justification.

The subject land is currently zoned for single family development and is located between two parcels of land zoned medium density townhousing which will result in 60 townhouse units immediately to the west and 90 townhouse units immediately to the east.

We submit that this is an inappropriate location for single family uses.

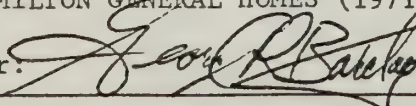
The site is well suited for neighbourhood commercial uses for the following reasons.

- the site has a frontage of 450 feet on Redmond Drive (Future roadway) at Stonechurch Rd. and is therefore easily accessed.
- the site is buffered from the medium density residential uses by a 100 foot H.E.P.C. right of way to the east and the future Redmond Dr. to the west.
- the Rushdale neighbourhood south of the East/West Mountain Freeway currently does not provide for any neighbourhood shopping facilities.
- no commercial facilities are planned in the Butler neighbourhood to the south and few facilities are planned in other adjacent neighbourhoods.

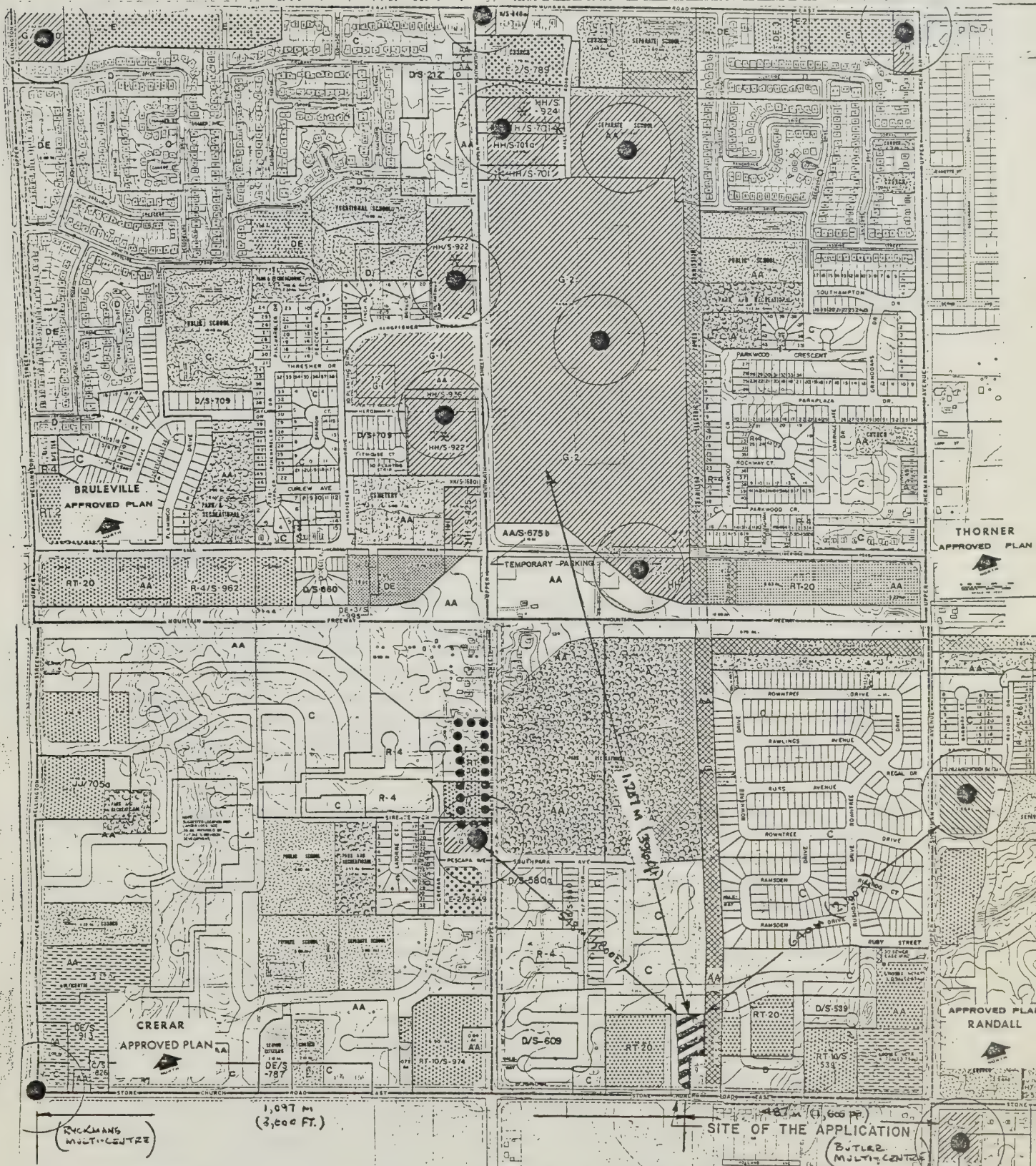
In summary, the site has a very high level of accessibility; it is buffered from residential uses to the east and west and there is a need for neighbourhood shopping facilities in the area as submitted.

Thank you for your consideration.

Yours truly,
HAMILTON GENERAL HOMES (1971) LTD.

Per:  George R. Barclay Vice-President/Land Development GB/md

590 Seaman Street, Stoney Creek, Ontario • L8E 4H1 • (416) 643-4221



LEGEND

— COMMERCIAL SITES

EXISTING POPULATION

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apts.
- medium density apts.
- high density apts.
- commercial & apts.

COMMERCIAL

INDUSTRIAL

CIVIC & INSTITUTIONAL

PARK & RECREATIONAL

OPEN SPACE

UTILITIES

MULTICENTRE

Neighbourhood Boundary

Staging of Development

Planning Bd. Study Area Boundary

CITY OF HAMILTON PLANNING DEPARTMENT

RUSHDALE APPROVED PLAN

118

APPENDIX C

F O R A C T I O N

FROM Planning and Development Department

DATE November 2, 1987

TO Planning and Development Committee

Refer to File No. ZA-87-97
KIRKENDALL NORTH
NEIGHBOURHOOD

Attention Of V. J. Abraham

SUBJECT

Request for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouse, etc.) District for the property located at No. 287 Locke Street South. The purpose of the proposed modification is to allow the existing grocery/variety store (currently legal non-conforming) and pizza takeout (illegal) as permitted uses.

RECOMMENDATIONS

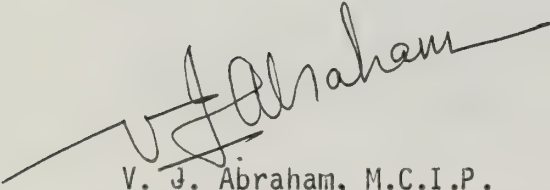
1. That approval be given, in part, to Zoning Application 87-97, Eduardo Amaral, owner, requesting a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District, to allow the existing grocery/variety store (a legal non-conforming use), as permitted uses within the existing building, for the property located at No. 287 Locke Street South, as shown on the attached map marked as APPENDIX "A", on the following:
 - a) That the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations as contained in Section 10 of Zoning By-Law No. 6593, applicable to the property located at No. 287 Locke Street South, be modified to include the following variance as a special requirement.
 - i) Notwithstanding Section 10.(1), the following commercial use shall be permitted:
 - a) a grocery and variety store limited to the first floor within the existing building.
 - ii) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S- , and that the subject lands on zoning District Map W-14 be notated S- ;
 - iii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map W-14;
 - iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. That the establishment of the pizza takeout as a permitted use be denied for the following reasons:
 - b) it was established as an illegal use;
 - c) it may create possible odours;
 - d) such a use has a tendency to create additional traffic and parking demand within the area.
3. That if the application is approved, the conditions of the Hamilton-Wentworth Engineering Department should be satisfied prior to the amending by-law being submitted to City Council for approval.

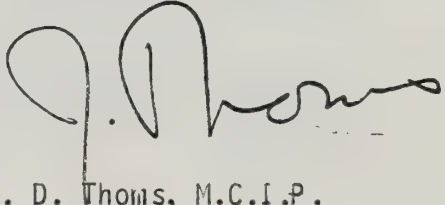
EXPLANATORY NOTE

The purpose of this By-Law is to provide for a modification to the "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District for the property located at No. 287 Locke Street South, as shown on the attached map.

The effect of this By-Law is to allow the existing grocery and variety store as permitted uses within the first floor of the existing building.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Eduardo Amaral, owner.

LOT SIZE AND AREA

- o 13.89 m (45.58 ft.) of lot frontage;
- o 30.48 m (100 ft.) of lot depth; and
- o 451.31 m² (4,558 sq. ft.) of lot area.

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>SUBJECT LANDS</u>	Legal non-conforming grocery/variety store, illegal pizza take out and a residential unit	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
<u>SURROUNDING LANDS</u>		
To the north	Two and three family dwellings, institutional	"D" (Urban Protected Residential, One and Two Family Dwellings, Townhouses, etc.) District
To the south	Single family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
To the east	Single and two family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
To the west	Church, single family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN

The subject lands are designated "Residential" on Schedule "A". Local commercial uses as permitted within a residential designation provided that the site is less than .4 ha in size and the use relies primarily on pedestrian traffic. The proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Single and Double" housing in the Kirkendall North Neighbourhood Plan. A redesignation to "Commercial" is not warranted given that the long term intended land use is for commercial.

BACKGROUND

The grocery/variety store is a legal non-conforming use. According to the building department's records, it was established between 1949 and 1961. The correspondence in 1961 indicates that it was a legal non-conforming use at that time.

In August 1987, an Order to Comply was issued against the property for the illegal construction of a pizza oven.

COMMENTS RECEIVED

- o The Building Department has advised that the grocery and variety store is a legally established non-conforming use and the pizza take out is an illegal use.
- o The Traffic Department and Hamilton Region Conservation Authority have no objections.
- o The Hamilton Wentworth Engineering Department has advised in part that:

"There is presently a paved parking area on this land. As no provision was made for drainage, this paved area is contrary with Drainage By-Law 80-245. We recommend as a condition of approval, that a catch basin be provided.

According to our records, the existing building at 287 Locke Street South encroaches into the Locke Street road allowance by approximately 2.0 ft. We recommend, as a condition of approval, that the applicant enter into an encroachment agreement with the City of Hamilton.

It should be noted that our plan is dated 1924. If the applicant has a more recent survey, he should come forth and we may revise our comments depending on the legibility of the survey plans.

It appears that there is paving within the road allowance, which requires a paving agreement with the City." (See attached letter for full comments).

COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal does not comply with the approved Kirkendall North Neighbourhood Plan. However, a redesignation to "Commercial" is not warranted since the long term intended use of the land is for residential.

3. The proposal to allow the grocery store as a permitted use can be supported for the following reason:
 - a) it has been in existence for the last 26 years with no apparent detrimental effect on the surrounding residential area.
4. The proposal to allow a pizza takeout as a permitted use cannot be supported for the following reasons:
 - a) it was established as an illegal use;
 - b) it may create possible odours.
 - c) it has a tendency to increase traffic and parking demand within the area.
5. If the application is approved then the conditions of the Hamilton Wentworth Engineering Department should be met before Council adopts an amending by-law.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

J.H.:nd

W.P. DOC. 0022P



CITY HALL
HAMILTON, ONTARIO
L8N 3T4

THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

PUBLIC MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE

Application has been received from E. Amaral (Happy Corner Mart) owner, for a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District regulations, for property at No. 287 Locke Street South, as shown on the attached map.

The purpose of the proposed modification is to allow a pizza take-out from the existing grocery and variety store.

The application complies with the City of Hamilton Official Plan.

It is requested that you complete and return the enclosed business reply card indicating your support or opposition to the proposed change. You may also submit additional comments in writing.

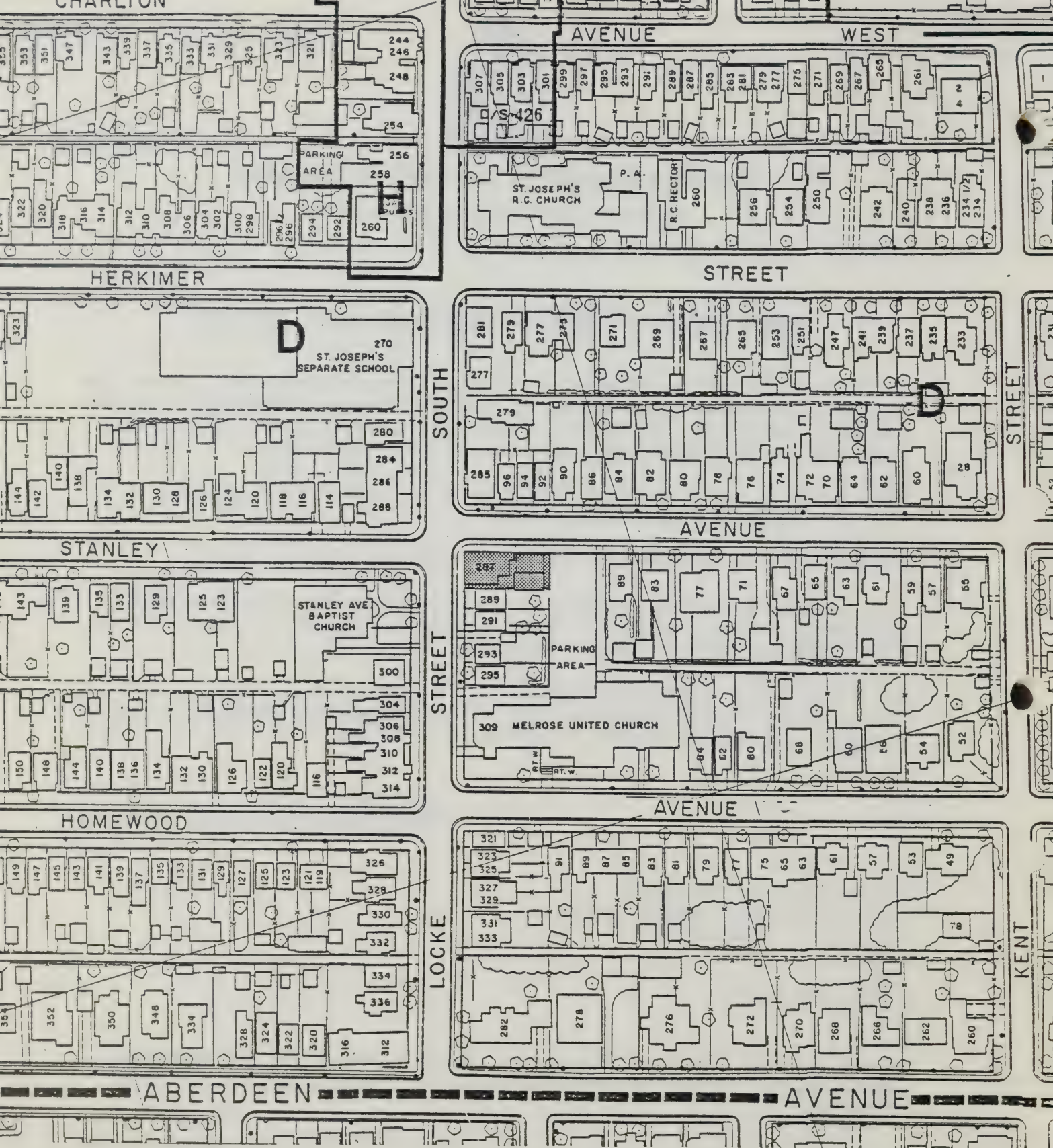
The Planning and Development Committee will consider this matter at a Public Meeting to be held in Room 233, City Hall on Wednesday, November 11, 1987 at 3:00 p.m. and you are invited to attend at that time.

Secretary
Planning and Development Committee

For Inquiries, please call
Planning and Development Department
City Hall 526-4445

/jd
October 23, 1987

In the event of a postal interruption, you may deliver the business reply card in person to the Planning Department, 7th Floor, City Hall, 71 Main Street West.



APPENDIX A

LEGEND



SITE OF THE APPLICATION



ZA 87-97



THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont.

LOCAL		SEP 29 1987	
L8N 3T4		(416) 526-4170	
DIR.			
PP & A.			
ENGINEER			
DEV.	JZ 9/14		
DED			
STAFF	SH 9/14		
CART.			
ADMIN.			

I.D. #0045D (36)

September 29, 1987

TO: V.J. Abraham, Planning

FROM: K.A. Brenner, Planning Manager
Engineering Department

RE: Zoning Application ZA-87-97 for a modification to the 'D'
regulations for property located at 287 Locke Street South

Refer to File No. E220-1106
Attention of T.L. Hearn
Your File No. ZA-87-97

Please be advised that public watermain as well as combined storm and sanitary sewers are available to service the subject lands.

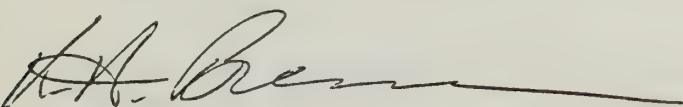
There is presently a paved parking area on this land. As no provision was made for drainage, this paved area is contrary with Drainage By-Law 80-245. We recommend as a condition of approval, that a catch basin be provided.

We do not anticipate any further road allowance widenings at this time.

According to our records, the existing building at 287 Locke Street South encroaches into the Locke Street road allowance by approximately 2.0 ft. We recommend, as a condition of approval, that the applicant enter into an encroachment agreement with the City of Hamilton.

It should be noted that our plan is dated 1924. If the applicant has a more recent survey, he should come forth and we may revise our comments depending on the legibility of the survey plans.

It appears that there is paving within the road allowance, which requires a paving agreement with the City.


TLH/GO:tlj

279 Locke Street South
Hamilton, Ontario
L8P 4C2

October 29, 1987

120
NOV 2 - 1987

Secretary
Planning & Development Committee
City Hall, 71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Sir/Madam;

Re: File # ZA 87-97 SEQ 00116

With reference to the request from E.Amaral to allow a Take Out Pizza from the existing variety store, we wish to go on record as being **very strongly opposed** to this expansion of use.

There are various reasons for our objection. Apart from the variety store, this section of Locke Street South from Herkimer to Dundurn Street is chiefly residential, and we wish to keep it that way.

Homeowners in this area take a lot of pride in their properties and they have carried out a lot of work to restore these older homes. We are therefore anxious to keep this area residential.

We believe the number one concern is the amount of traffic in this area, particularly in the block between Stanley and Herkimer. With the activities at St. Joseph's School on one side and the Library on the other, there is already insufficient parking. Parking outside our home which is located between the Library at the corner of Stanley and the Bank on Herkimer is at a premium day and night.

We have ample parking for ourselves in our driveway, but because it is situated at the back of the house, it is often impossible to get to it because cars park in the alley while people slip to the library or the store, or wait to pick up children from evening or Saturday morning activities at the school.

On Sunday morning because there are three churches in the immediate two block areas, there is also a demand for parking spaces.

Locke Street South normally generates a lot of traffic, and a large portion of this comes along Stanley and turns on to Locke Street. This is the corner where the variety store is situated. Traffic is normally a hazard to children in the area, especially after school hours and this proposed Pizza Pick up can only add to the current problems.

We are also concerned that currently the store is becoming a hangout for kids because they have installed video machines, which are attracting a lot of children and teens.

Another point which may not be a safety factor, but is a nuisance, is the smell that comes from the ovens. We enjoy sitting out in the garden during the nice weather and the smell of pizza is not something that will add to the enjoyment of a warm

October 29, 1987

Secretary
Planning & Development Committee
Page 2


summer evening. (Residents near the Pizza Restaurant at Locke Street and Hunter Street can attest to that.)

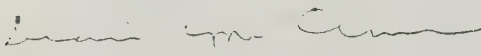
On Locke Street South itself, and one block over on Dundurn there are many restaurants, and Take Out Establishments ranging from family type restaurants, Pizza and Sub Shops, Coffee & Sandwiches from variety stores, and most within five minutes walking distance of the proposed Pizza Take Out on Locke Street at Stanley Avenue.

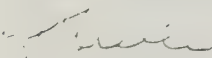
A tour of this section of Locke Street South will reveal that the residents take a lot of pride in their property and a Take Out Pizza will hardly enhance the value of their homes, either from a monetary standpoint, or an aesthetic point of view.

We would therefore ask that the Committee look very carefully at the many negative aspects involved in this application, and deny permission for the extended use of the premises.

Yours sincerely,


Cynthia McClure


Diana McClure


Frank Torelli

Owners & Residents
of 279 Locke Street South

xc: Alderman Mary Kiss
Alderman Terry Cooke

ZA87-97

12a

ZA87-97 NOV. 03/87

MR. M. TOTH
300 LOCKE ST. S.
HAMILTON, ONT.

Tuesday, October 27, 1987

To: Mr. M. TOTH
My dear Mr. TOTH,

My wife and I would like the Planning and Development Committee to know that we are opposed, in the strongest terms, to the proposed modification to 287 Locke St. E. This modification, that would allow take-out pizza from the Happy Corner Mart, would not benefit the neighbourhood in general. The only possible benefactor would be the owners of such a store.

This is a quiet neighbourhood, that bears more than its fair share of traffic during the day. The increased traffic that would be created by such a proposal would endanger the children that live in this neighbourhood.

The increase of rowdy behaviour would also result with late night visitors to such an establishment.

We the surrounding neighbours, are working people who need their sleep, or retired individuals, who do not need to be kept up with the antics of the clientele of such an establishment. You may say that alcohol

problems are likely to occur. I bring your attention to the problems at the 44^c Donalds at the Delta.

I can see the fact that parking is very limited near the store now, this would encourage people to park in areas that are not intended for such use. The corner of Stanley Ave. and Locke St., has enough accidents now, caused by people stopping in at the store. These people park on Locke St. near the corner of Stanley, and thus blocking the view of people travelling on Stanley in a west direction. Drivers have to nose out on to Locke St., from Stanley so they can see around the cars that are illegally parked or stopped.

There is enough pressure on the south-west and Westdale areas with landlords renting out homes to 10 and 15 university students. This proposed change would make the formerly quiet neighbourhood more difficult to live in. My family has lived in this house for almost 25 years, and we have done without

- 4 -
MR. M. TOTH
300 LOCKE ST. S.
HAMILTON, ONT.

not need or want one now.
There are several eating establishments
in this area now including one
pizza joint. Do not allow another
one, just for the sake of a business
concern. Please consider the long
time residents of this part of Locke St.
(which the majority of us are) not
a Johnny - Come - Lately.

Several of us intend to contact
Terry Cook and express our
dissatisfaction over this possible change.

My wife and I are unable to
attend the meeting, because we
are in the category that work
during the day, and need our
sleep during the night. We
hope this letter will be read at
the meeting.

Sincerely
M. Toth

P.S. We also feel that this
establishment would drive down our
property values, and, thus if this
project is approved, it will be a disaster.

owners would be seeking a substantial
reduction of our already high property
taxes.

TORSNEY

Brian Torsney Creative Marketing Inc. 3 - 1987

131 John St. S., Suite 1
Hamilton, Ontario L8N 2C3
Telephone: (416) 522-4662
Fax: (416) 522-7045

November 2, 1987

The Corporation of the City of
Hamilton
Planning & Development Committee
City Hall
Hamilton, Ontario
L8N 3T4

Dear Members,

Re: Proposed change to D district regs. - 287 Locke St.S.

I live at 267 Herkimer and know the proprietors of this property to be good, friendly neighbours. I have, as a result, agreed with amendment to zoning.

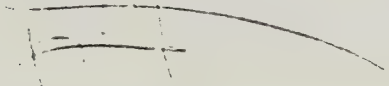
However, this property to date has not served the area well in terms of appearance, likely because they anticipated investments going toward their plans which will result from this amendment. They have inherited a rather unkempt building with very little past upkeep.

My point here is that I will agree to their plans provided the premises are designed in keeping with the high standards of this neighbourhood and that it be "fitting to the type of neighbourhood".

It must have a "homey" appearance and take pains to avoid attracting loitering etc.

I wish them all the best.

Kind regards,


Brian Torsney
Sheila Torsney

13(a)

F O R A C T I O N

FROM Planning and Development Department DATE November 5, 1987
TO Planning and Development Committee Refer to File No. ZA-84-79
 RIVERDALE EAST
 NEIGHBOURHOOD
 Attention Of V. J. Abraham

SUBJECT

Second Report

Amended application to establish the following changes in zoning for lands in the area north of Queenston Road and west of Grays Road as shown on the attached map marked as APPENDIX "A".

- Block 1 Change from "AA" (Agricultural) District to "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District, to permit single family or semi-detached dwellings;
- Blocks 3, Change from "AA" (Agricultural) District to "H" (Community
4 & 6 Shopping and Commercial, etc.) District, modified to permit commercial uses in conjunction with the adjacent properties located within the City of Stoney Creek fronting onto Queenston Road;
- Blocks 2, Change from "AA" (Agricultural) District and "E-2" (Multiple
5 & 7 Dwellings) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified, to permit neighbourhood convenience commercial uses for lands fronting onto proposed Donn Avenue.

Recommendation

That approval be given to amended Zoning Application 84-79 Ferrell Builders Supply Limited; Adorn Investments Ltd.; Mary Henderson; Michel and Debra Garon and Walter Kohlberger, owners, to establish the following changes in zoning for lands in the area north of Queenston Road and west of Grays Road as shown on the attached map marked as APPENDIX "A" on the following basis:

- i) That the lands described as Block 1 be rezoned from "AA" (Agricultural) District to "R-2" (Urban Protected Residential - One and Two-Family Dwellings, etc.) District;

- ii) That the lands described as Blocks 2, 5 and 7 be rezoned from "AA" (Agricultural) District and "E-2" (Multiple Dwellings) District to "G" (Neighbourhood Shopping Centre, etc.) District;
- iii) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations as contained in Section 13 of Zoning By-law No. 6593 applicable to the lands described as Blocks 2, 5 and 7 be modified to include the following variances as special requirements:
 - 1) Notwithstanding the provisions of Section 13(1) of Zoning By-law No. 6593 the following Commercial uses are prohibited:
 - a) a restaurant or refreshment room
 - b) a laundry or dry cleaning establishment
 - c) a storage garage
- iv) That the lands described as Blocks 3, 4 and 6 be rezoned from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District
- v) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14(1) of Zoning By-law No. 6593 applicable to the lands described as Blocks 3, 4 and 6 be modified to include the following variances as special requirements:
 - 1) Notwithstanding the provision of Section 14(1) of Zoning By-law No. 6593 the following Industrial uses are prohibited:
 - a) Textile and textile products
 - b) An artificial ice plant
 - 2) That a 6.0 m (19.69 ft.) wide landscaped planting strip be established along the northerly limit of the "H" District lands where they abut the residential district to the north, and a 2.5 m (8.20 ft.) high closed fence be located within the landscaped planting strip.
- vi) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Maps E-124 and E-125 be notated S- ;
- vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-124 and E-125;
- viii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- ix) That the Riverdale East Neighbourhood Plan be amended as follows:
 - by redesignating Block 7 from "Commercial" to a "non-Highway Commercial" designation

- by shifting the required landscaped planting strip and 2.5 m high closed fence 6.0 m (20 ft.) in a northerly direction across the rest of the commercial properties described as Blocks 3, 6 and 7, which in effect would correspondingly increase the depth of the commercial development 6.0 m (20 ft.); and,
- by shifting the alignment of proposed Berkendale Drive between Sylvester Street and proposed Donn Avenue 6.0 m (20 ft.) in a northerly direction.

Explanatory Note

The purpose of the By-law is to provide for the following changes in zoning:

- | | |
|-------------------|---|
| Block 1 | Change from "AA" (Agricultural) District to the new "R-2" (Urban Protected Residential One and Two-Family Dwellings, etc.) District; |
| Blocks 2
5 & 7 | Change from "AA" (Agricultural) District and "E-2" (Multiple Dwellings) District to "G" (Neighbourhood Shopping Centre, etc.) District, modified; |
| Blocks 3
4 & 6 | Change from "AA" (Agricultural) District to "H" (Community Shopping and Commercial, etc.) District, modified. |

In addition, the By-law provides for the following variances as special requirements:

As to
Blocks 2,
5 & 7

To prohibit the following commercial uses:

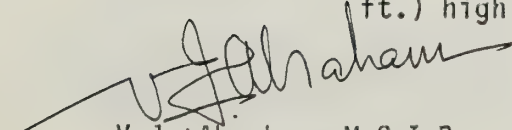
- a restaurant or refreshment room
- a laundry or dry cleaning establishment
- a storage garage

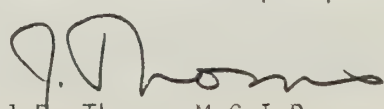
As to
Blocks 3,
4 & 6

To prohibit the following industrial uses:

- textile and textile products
- an artificial ice plant

To require a 6.0 m (20 ft.) wide landscaped planting strip along the northerly limit of the "H" District lands where they abut the residential district to the north, and a 2.5 m (8.2 ft.) high closed fence within the landscaped planting strip.


V.J. Abraham, M.C.I.P.
Director of Local Planning


J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

Applicants

Ferrell Builders Supply Limited, Adorn Investments Limited, Mary Henderson, Michel and Debra Garon, Walter Kohlberger, owners.

Lands Affected By The Rezoning

Lands at the rear of properties fronting onto Queenston Road within the City of Hamilton, having a total lot area of approximately 2.876 ha (7.109 acres).

Background

At a Public Meeting held on October 14, 1987, the Planning and Development Committee considered the subject application (see previous report attached). Due to the fact that there were a number of problems that required clarification, it was suggested at the Committee Meeting that a neighbourhood meeting be held, and that the Alderman of the ward (Alderman Wheeler), together with necessary staff review the proposal and suggested changes to the Riverdale East Neighbourhood Plan with property owners in the area. In addition, it was suggested that the application together with zoning application ZA-87-86 - Hamilton Street Railway, dealing with lands adjoining the subject site, be considered at the same time and that they be heard at the November 11, 1987 meeting of the Planning and Development Committee.

On Monday November 2, 1987 a neighbourhood meeting was held at 7.00 p.m. at St. Agnes Separate School at which time the subject applications were reviewed in detail. In conclusion, the amended application and suggested recommendations concerning the proposals were generally acceptable to the area residents. The residents were invited to attend the November 11, 1987 Planning and Development Committee meeting in the event that they had further objections to the proposals.

Amended Applications

Prior to the neighbourhood meeting of November 2, 1987 the agent for the Ferrell application, John A. Parente, advised by letter dated October 26, 1987 (See APPENDIX "B" attached) that the applicants were prepared to support the staff recommendations of October 9th for the rezonings except for the following:

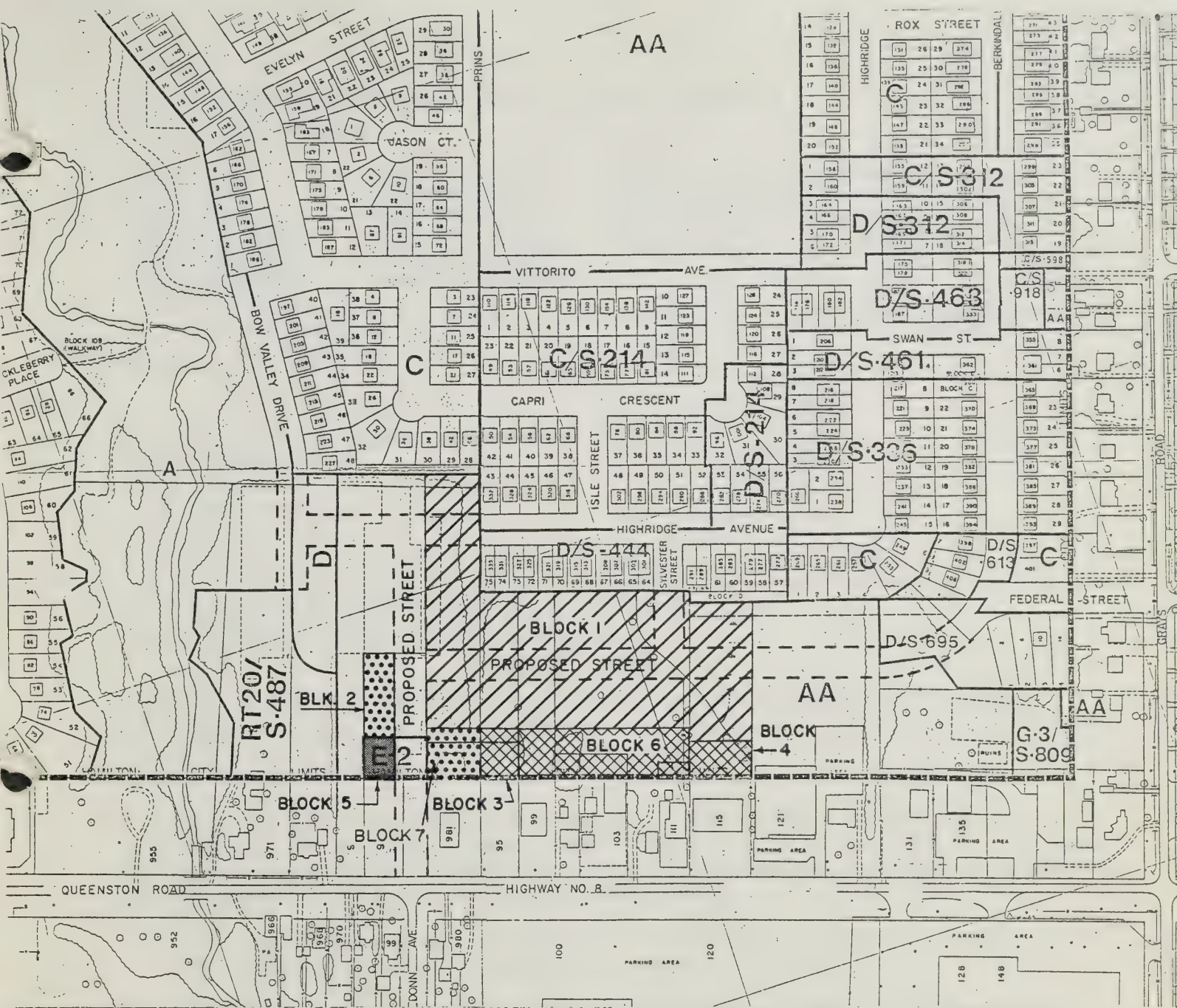
1. The northerly limit of Block 3 be extended 20 feet northerly to coincide with the northerly limit of Block 6.
2. The southerly position of the Henderson property proposed for a rezoning to an "H" zone be amended to provide for a rezoning to a "G" modified zone similar to the "G" zone recommended by the Department for Blocks 2 and 5.

The Department's recommendation reflects the above noted amendments to the application.

Conclusion





On the basis of the foregoing, the amended application can be supported.

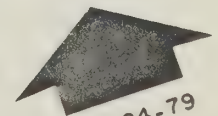
GW/sh



LEGEND

PROPOSED CHANGES IN ZONING:

- BLOCK 1**  FROM "AA" (AGRICULTURAL) DISTRICT TO "R-2" (URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, ETC.) DISTRICT.
- BLOCKS 2 & 7**  FROM "AA" (AGRICULTURAL) DISTRICT TO "G" (NEIGHBOURHOOD SHOPPING CENTRE, ETC.) DISTRICT, MODIFIED.
- BLOCK 5**  FROM "E-2" (MULTIPLE DWELLINGS) DISTRICT TO "G" (NEIGHBOURHOOD SHOPPING CENTRE, ETC.) DISTRICT, MODIFIED.
- BLOCKS 3, 4 & 6**  FROM "AA" (AGRICULTURAL) DISTRICT TO "H" (COMMUNITY SHOPPING AND COMMERCIAL, ETC.) DISTRICT, MODIFIED


ZA-84-79

BARRISTERS & SOLICITORS

APPENDIX B

13b.

F O R A C T I O N

FROM Planning and Development Department

DATE November 4, 1987

TO Planning and Development Committee

Refer To File No. ZA-87-86
RIVERDALE EAST
NEIGHBOURHOOD

Attention Of V.J. Abraham

SUBJECT:

Amended Zoning Application ZA-87-86 to establish the following changes in zoning for the rear of property municipally known as No. 973 Queenston Road as shown on the attached map.

- Block 1 - change from "AA" (Agricultural) District to "R-2" (Urban Protected Residential - One and Two-Family Dwellings etc.) District.
- Block 2 - change from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Center) District.

The purpose of the application is to permit single-family or two-family development on the lands described as Block 1, and future commercial development on Block 2 in conjunction with commercial development proposed on abutting lands to the east.

Recommendation

1. That approval be given to an amended zoning application 87-86, Hamilton Street Railway, owner for a change in zoning from "AA" (Agricultural) District to "R-2" (Urban Protected Residential - One and Two-Family Dwellings etc.) District (Block 1), and from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Center etc.) District (Block 2), for property at the rear of No. 973 Queenston Road as shown on the attached map marked as APPENDIX "A", on the following basis:
 - i) That the lands described as Block 1 be rezoned from "AA" (Agricultural) District to "R-2" (Urban Protected Residential - One and Two-Family Dwellings etc.) District.

- ii) That the lands described as Block 2 be rezoned from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Center) District.
- iii) That the "G" (Neighbourhood Shopping Center) District regulations as contained in Section 13 of Zoning By-law No. 6593 applicable to the lands described as Block 2 be modified to include the following variances as special requirements:
 - 1) Notwithstanding the provisions of Section 13(1) of Zoning By-law No. 6593 the following Commercial uses are prohibited:
 - a) a restaurant or refreshment room
 - b) a laundry or dry cleaning establishment
 - c) a storage garage
- iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on zoning District Maps E-124 and E-125 be notated S- .
- v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-124 and E-125.
- vi) That the Riverdale East Neighbourhood Plan be amended by redesignating the southerly part of Block 1 from "Attached Housing" to a "Single and Double" residential designation, and Block 2 from "attached Housing" to a "non Highway Commercial" designation.
- vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Explanatory Note

The purpose of the By-law is to provide for the following changes in zoning:

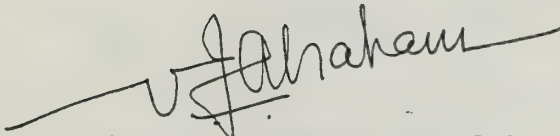
- Block 1 - Change from "AA" (Agricultural) District to "R-2" (Urban Protected Residential - One and Two-Family Dwellings etc.) District.
- Block 2 - Change from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Center) District.

The effect of the By-law is to permit single family or two-family dwellings on Block 1, and to permit neighbourhood commercial development on Block 2 in conjunction with adjoining lands to the east fronting onto proposed Donn Avenue.

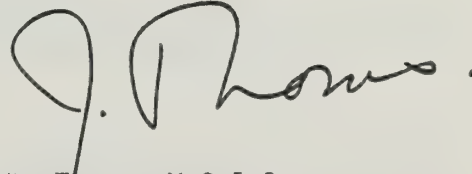
In addition, the By-law provides for the following By-law variances to the "G" (Neighbourhood Shopping Center) District applicable to the lands described as Block 2:

To prohibit the following commercial uses:

- a restaurant or refreshment room
- a laundry or dry cleaning establishment
- a storage garage



Victor J. Abraham, M.C.I.P.
Director of Local Planning



J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

APPLICANT

Hamilton Street Railway, owner.

LOT SIZE AND AREA

An irregular shaped parcel of land which has:

- 14.636 m (48.0 ft.) of frontage onto Queenston Road in the City of Stoney Creek;
- a lot area within the City of Hamilton position of the site of 7,223.33 m² (77,753.82 sq. ft.)

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant (bus loop)	"AA" (Agricultural) District

Surrounding Lands

To the north	Single family dwellings	"C" (Urban Protected Residential etc.) District
To the south	vacant lands single family dwellings	"RM5" (Multiple Dwellings) zone, in the City of Stoney Creek
To the east	vacant lands	"AA" (Agricultural) District, "E-2" (Multiple Dwellings) District in the City of Hamilton
To the west	vacant lands	"RT-20" (Townhouse & Maisonette) District and "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses etc.) District.

OFFICIAL PLAN

Block 1 is designated "Residential".

Block 2 is designated "Commercial".

The proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN

Designated in part for "Attached Housing" and "Single & Double" residential development on the approved Riverdale East Neighbourhood Plan. The proposal would require an amendment to the Neighbourhood Plan to redesignate the southerly part of Block 1 from "Attached Housing" to "Single and Double" residential land use, and Block 2 from "Attached Housing" to "Non-Highway Commercial" land use.

BACKGROUND

Subsequent to the posting of a Public Notice sign on the site and distribution of the circularization notice to the public, the applicant decided to amend the application by requesting that the balance of the site (Block 1) be rezoned to a "R-2" (Urban Protected Residential - One and Two-Family Dwellings etc.) District, and that Block 2 be rezoned to a "G" (Neighbourhood Shopping Center) District as opposed to an "H" zoning, to bring the proposal in line with development proposed on adjoining lands which are the subject of rezoning application ZA-84-79.

Comments Received

- The Building Department, Traffic Department, Hamilton Region Conservation Authority and the Local Architectural Conservation Advisory Committee Staff have no comments or objections.
- The Hamilton-Wentworth Engineering Department has advised that:

"neither public watermains nor sewers are available to service the subject lands. Services will likely be installed with the extension of roads as part of the Bow Valley extension in 1988."
- The City of Stoney Creek has advised in part that "the City of Stoney Creek has no objection to the proposed zoning suggested for the area west of the extension of Donn Avenue within the City of Hamilton." For full comments see attached letter marked as APPENDIX "B".

Comments

1. The proposal complies with the intent of the Official Plan.
2. The proposal would require an amendment to the Riverdale East Neighbourhood Plan to redesignate the southerly part of Block 1 from "Attached Housing" to a "Single and Double" residential land use, and Block 2 from "Attached Housing" to a "Non-Highway Commercial" land use. The proposal can be supported as it would bring the proposal into conformity with development proposed on adjoining lands to the east.
3. The proposal has merit and can be supported for the following reasons:
 - the Hamilton Street Railway no longer requires the subject lands for a bus loop and wish to dispose of it.
 - the type of development proposed would be compatible with the type of development proposed on adjoining lands to the north, east and west comprised of single-family and two-family development and neighbourhood commercial development.
 - the proposal to add Block 2 to the adjoining lands to the east to permit a neighbourhood convenience shopping center will provide for a site having an area of approximately 2,624.79 m² (28,254 sq.ft.). The enlarged site will provide greater flexibility in designing the site, taking into consideration required on site parking, loading, landscaping, etc..
 - the proposed neighbourhood convenience commercial development will provide a needed service for existing and future residents of the area north of Queenston Road between the Stoney Creek ravine and Grays Road.

4. The requested "G" (Neighbourhood Shopping Center) District zoning is considered the most appropriate zoning for the neighbourhood commercial development proposed, as it would not permit a wide range of commercial uses such as those permitted under the previously requested "H" (Community Shopping and Commercial etc.) District. To further limit the types of uses on the site it is suggested, as in the case of the rezoning of the adjacent lands to the east, that the "G" District be modified to prohibit the following uses:

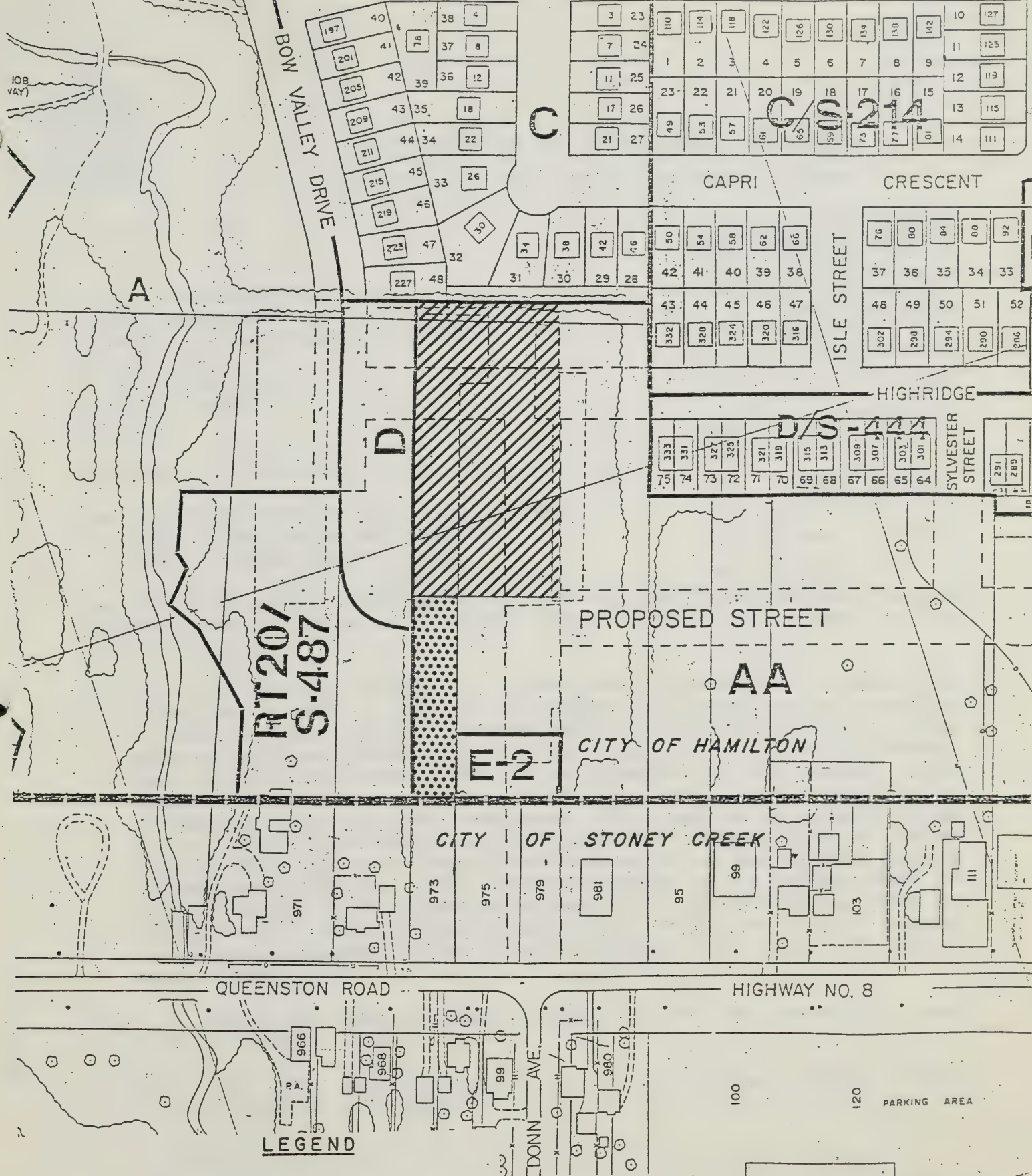
1. a restaurant or refreshment room
2. a laundry or dry cleaning establishment
3. a storage garage

This restriction will also implement the intent of the approved Riverdale East Neighbourhood Plan.

5. Under the "G" (Neighbourhood Shopping Center) District regulations, development of the site is subject to the provisions of Site Plan Control By-law 79-275. In this regard, matters dealing with landscaping, grading, access parking etc., can be further reviewed at the site plan stage of development.
6. The requested "R-2" (Urban Protected Residential One and Two Family Dwellings etc.) District would be the appropriate zoning for the lands described as Block 1 as it would implement the type of development proposed on the approved Riverdale East Neighbourhood Plan.

Conclusion

On the basis of the foregoing, the amended application can be supported.



↑
ZA-87-86

A.

DATE October 28, 1987

Refer to File No. ZA-87-105
SHERWOOD
NEIGHBOURHOOD

Attention Of Y. J. Abraham

Request for a modification to the "B" (Suburban Agriculture and Residential, etc.) District regulations for the property located at No. 25 High Street. The purpose of the proposed modification is to permit a day care center for approximately 32 children to locate within the existing building (Sherwood High School).

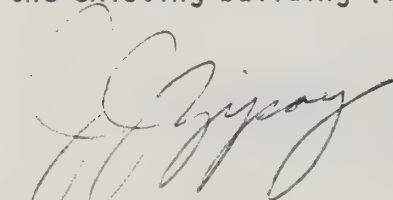
That approval be given to Zoning Application 87-105, Hamilton/Burlington YMCA, lessee, for a modification to the "B" (Suburban Agriculture and Residential, etc.) District, to permit a day care center to locate within the existing building (Sherwood High School) for the property located at No. 25 High Street as shown on the attached map marked as APPENDIX "A" on the following basis:

- (i) That the "B" (Suburban Agriculture and Residential, etc.) District regulations as contained in Section 8 of Zoning By-Law 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:
 - a) That notwithstanding Section 8.(1) the following additional institutional use shall be permitted:
 - 1) a day care center within the existing building.
- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-57 be notated S- ;
- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-57;
- iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the "B" (Suburban Agriculture and Residential, etc.) District regulations for the property located at No. 25 High Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a day care center to locate within the existing building (Sherwood High School).



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

The Hamilton/Burlington Y.M.C.A., lessee.

LOT SIZE AND AREA

- o 245.98 m (807 ft.) of lot frontage
- o 169.77 m (557 ft.) of lot depth
- o 4.18 ha (10.3 ac.) of lot area

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>SUBJECT LANDS</u>	Sherwood High School	"B" (Suburban Agriculture and Residential, etc.) District
<u>SURROUNDING LANDS</u>		
To the north	Single family dwellings	"B-1" (Suburban Agriculture and Residential, etc.) District
To the south	Sherwood Heights Public School	"B" (Suburban Agriculture and Residential, etc.) District
To the east and west	Single family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

The subject lands are designated "Institutional" on Schedule A. The proposal complies.

NEIGHBOURHOOD PLAN

There is no approved plan for the Sherwood Neighbourhood.

BACKGROUND

The daycare center will use two classrooms within the school and share washrooms and office space. In addition, a playground will be installed in the back of the school.

COMMENTS RECEIVED

- o The Hamilton Board of Education, Hamilton-Wentworth Engineering Department, Hamilton Region Conservation Authority, Traffic Department have no comments or objections.
- o The Building Department has advised that a variance is required.
- o The Social Services Department has advised that:
"It is most appropriate to have a Daycare Center in conjunction with Sherwood Secondary School."

COMMENTS

1. The proposal complies with the Official Plan.
2. The proposal can be supported for the following reasons:
 - a) a day nursery is permitted within a school building within a "C" (Urban Protected Residential, etc.) District without any limitation to the number of children or the location of the outside play area. Therefore, it would be no less feasible to permit this use within the existing school building in the "B" District, since both "B" and "C" Districts are residential zones.
 - b) The "B" District permits other institutional uses.
 - c) There is a growing need for this type of community facility within the expanding neighbourhoods on the mountain.

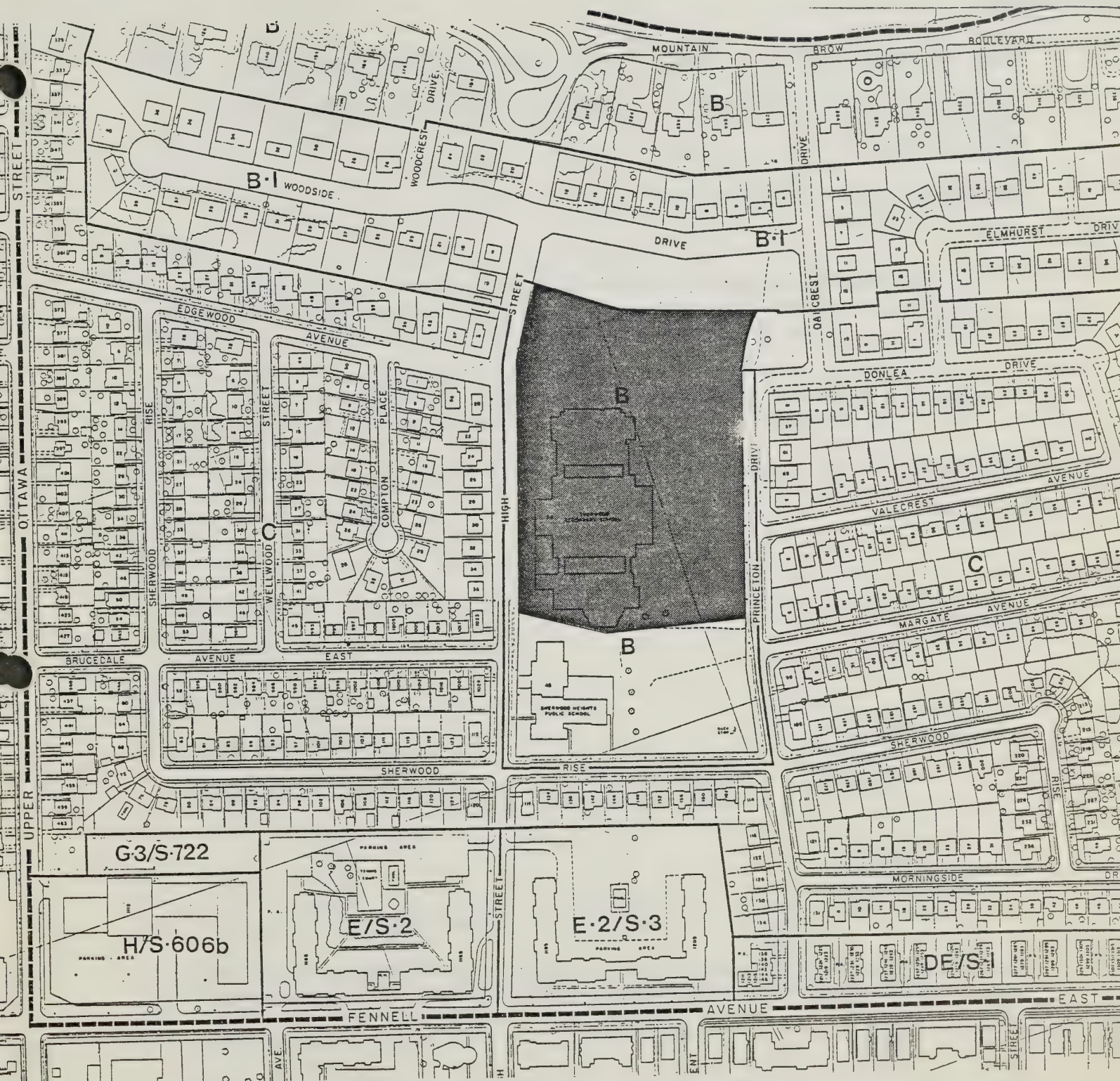
3. The day nursery will be further regulated under the provisions of the Day Nurseries Act, 1966.

CONCLUSION

Based on the foregoing, the proposal can be supported.

J.H.:nd

W.P. DOC. 0022P



LEGEND



SITE OF THE APPLICATION


 ZA-87-105

FROM Planning and Development Department DATE October 27, 1987
TO Planning and Development Committee Refer to File No. ZA-87-79
NASHDALE
NEIGHBOURHOOD
Attention Of V. J. Abraham

SUBJECT

Amended application for a further modification to the established "KK" (Restricted Heavy Industrial) District regulations for property municipally known as No. 35 Goderich Road, as shown on the attached map.

The purpose of the proposed modification is to permit development of the subject lands in conjunction with the abutting land to the north and east, for a commercial/retail development, allowing the following additional uses:

1. A hotel, motel and motor hotel, having sealed windows in habitable rooms
2. A banquet centre
3. Banks and financial institutions
4. Business and professional persons' offices
5. Bowling alley, Billiard hall
6. Car dealership
7. Medical clinics
8. Medical and dental labs
9. Lawn and garden centres
10. Retail stores
11. Laundry, self-serve laundry, dry cleaner pick-up
12. Barber shop, hairdressing salon, beauty parlour, massage parlour, shoe shine parlour, or other such establishment for personal services
13. Travel agency
14. Taxi cab services
15. Restaurants, and
16. Service station with gas
17. Taverns

RECOMMENDATION

1. That approval be given to Zoning Application ZA-87-79, Unidevco Property Group Limited, prospective owner, for a further modification to the established "KK" (Restricted Heavy Industrial) District regulations for property municipally known as No. 35 Goderich Road, as shown on the attached plan marked as APPENDIX "A" on the following basis:
 - i) That the "KK" (Restricted Heavy Industrial) District regulations as contained in Section 17A of Zoning By-law 6593, applicable to the subject lands be amended to the extent only of the following variances as special requirements:
 - a) notwithstanding subsection 17A(1) the following,
 - i) RESIDENTIAL USES shall not be prohibited:
 1. Hotel, motel and motor hotel, having sealed windows in habitable rooms;
 - ii) COMMERCIAL USES shall not be prohibited:
 1. Banquet centre
 2. Banks and financial institutions
 3. Business and professional persons' offices
 4. Bowling alley, Billiard hall
 5. Medical clinics
 6. Medical and dental labs
 7. Lawn and garden centres
 8. Retail stores
 9. Laundry, self-serve laundry, dry cleaner pick-up
 10. Barber shop, hairdressing salon, beauty parlour, massage parlour, shoe shine parlour, or other such establishment for personal services
 11. Travel agencies
 12. Taxi cab services
 13. Restaurants, and
 14. Taverns
 - b) notwithstanding subsection 17A(2) of By-law No. 6593, no building shall exceed 7 storeys, and no structure shall exceed 20 m in height;

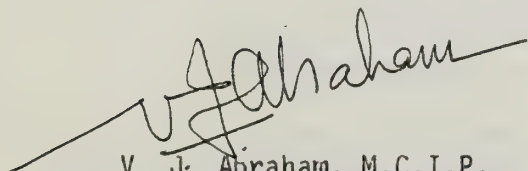
- c) the gross floor space for sales or storage of any of the uses in subclause 16(A)(1)(ej) of By-law No. 6593, or a combination of the uses, shall not apply.
- ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-102 be noted S- ;
- iii) that the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-102;
- iv) That the proposed change in zoning is in conformity with the Official Plan;

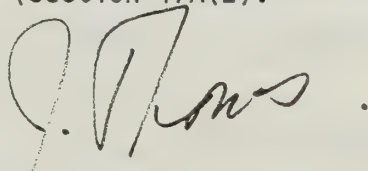
EXPLANATORY NOTE

The purpose of the by-law is to provide for a further modification to the established "KK" (Restricted Heavy Industrial) District regulations for property municipally known as No. 35 Goderich Road, as shown on the attached map marked as Appendix "A".

The effect of the by-law is to permit development of the subject lands in conjunction with the abutting land to the north and east for a variety of commercial uses as well as allowing for a hotel, motel and motor hotel. In this regard, the By-law provides for the following variances as special requirements:

- to permit retail grocery, variety store, confectionery store and lunch counter or refreshment stand without a floor space limitation (Section 16A(1)(ej))
- to permit a variety of commercial uses and the hotel, motel, motor hotel which otherwise are not permitted (Section 17A(1)).
- to permit buildings to have a maximum of seven storeys with a 20m (65.61 ft.) height limitation, whereas a height limitation of four storeys (17.0m or 55.8 ft.) would apply (Section 17A(2)).


V. J. Abraham, M.C.I.P.
Director of Local Planning


J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

APPLICANT

Unidevco Property Group Limited, prospective owner

LOT SIZE AND AREA

0.414 ha (1.022) acres

LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Industrial building	"KK" (Restricted Heavy Industrial) District
<u>Surrounding Lands</u>		
to the north	140 room motel, and restaurant (under construction)	"KK" (Restricted Heavy Industrial) District
to the south	vacant	"KK" (Restricted Heavy Industrial) District
to the west	industrial building	"KK" (Restricted Heavy Industrial) District
to the east	a mixed use development containing offices, & retail/commercial uses (under construction)	"KK" (Restricted Heavy Industrial) District

OFFICIAL PLAN

The subject lands are designated Industrial on Schedule "A". In addition, the lands are also located within SPECIAL POLICY AREA II on Schedule "B" - Special Policy Areas. In this regard Policy A.2.3.1(vii) states that:

"All uses, which is the opinion of Council, compliment and do not interfere or detract from the primary function of the area (Industrial) may be permitted. The proposal would comply with the Official Plan.

NEIGHBOURHOOD PLAN

There is no Approved Plan for the Nashdale Neighbourhood.

BACKGROUND

City Council at its meeting held on December 9, 1986 passed By-law No. 86-338 which provides for a modification to the established "KK" (Restricted Heavy Industrial) District for adjoining lands to the east. The effect of the By-law is to permit, in addition to the industrial uses, hotels, motels, motor hotels, and a wide range of commercial uses which are identical to those uses being requested at this time.

AMENDED APPLICATION

Subsequent to the preparation of the sign located on the site and circularization of the application to the public, the applicant, by way of a letter dated October 26, 1987, requested an amendment to the application to add the following uses to the list of commercial uses being requested for the site.

- bowling alley
- service station
- billiard hall
- car dealership

COMMENTS RECEIVED

- The Traffic Department and the Hamilton Region Conservation Authority have no objections.
- The Building Department and Local Architectural Conservation Advisory Committee staff have no comments.
- The Hamilton-Wentworth Engineering Department has advised as follows:
 - 1) "that public watermains as well as separate storm and sanitary sewers are available at the intersection of Goderich Road and Centennial Parkway North.
 - 2) We do not anticipate any further road allowance widenings at this time."

COMMENTS

1. The amended application complies with the intent of the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
 - It is situated in close proximity to one of the more important entrances to the City (Q.E.W. and Centennial Parkway North - Highway No. 20) and would not only serve the needs of the immediate area, but would also serve the needs of the tourist industry.
 - It would compliment the recently completed motel/restaurant and retail commercial complex situated on the adjoining lands to the east.
 - City Council in on record supporting an identical zoning application on the adjoining lands to the east.

3. Approval of the application would involve the following By-law variances:

- Section 17A(1) Permitted Uses in a "KK" (Restricted Heavy Industrial) District

To permit a variety of commercial uses and a residential use (hotel, motel, etc.) in the district which can be supported, given that the use of the lands will be predominantly for commercial uses and would not have a negative impact on the surrounding uses. Regarding the four additional uses requested by way of an amendment to the application, it should be noted that a service station use is already a permitted use under "KK" District provisions. Because Bowling alleys and Billiard halls are uses which can relate to the hotel, and tourist industry, the requested variance to permit these uses can be supported. The variance to permit a car dealership cannot be supported as the property in question is located to the interior of the industrial/commercial area and would not have the desired exposure for this type of use. Furthermore, it would be incompatible with other requested retail commercial uses.

- Section 16A(1) - Permitted Uses in a "JJ" District

The By-law restricts the floor space of a retail grocery store, retail variety store, confectionary store and lunch counter and refreshment stand to 140 m² (1,506.95 sq.ft.). The intent of the variance is to remove the floor space limitations. The requested variance is considered to be minor in nature and can be supported.

- Section 17A(2) - "KK" District Regulations

The By-law restricts building height of 4 storeys and 17.0 m (55.8 ft.). A variance to permit a building of 7 storeys with a maximum height of 20 m (65.6 ft.) is requested as per the provisions of By-law 86-338 on adjoining lands to the east. The requested variance would not adversely affect development in the surrounding area.

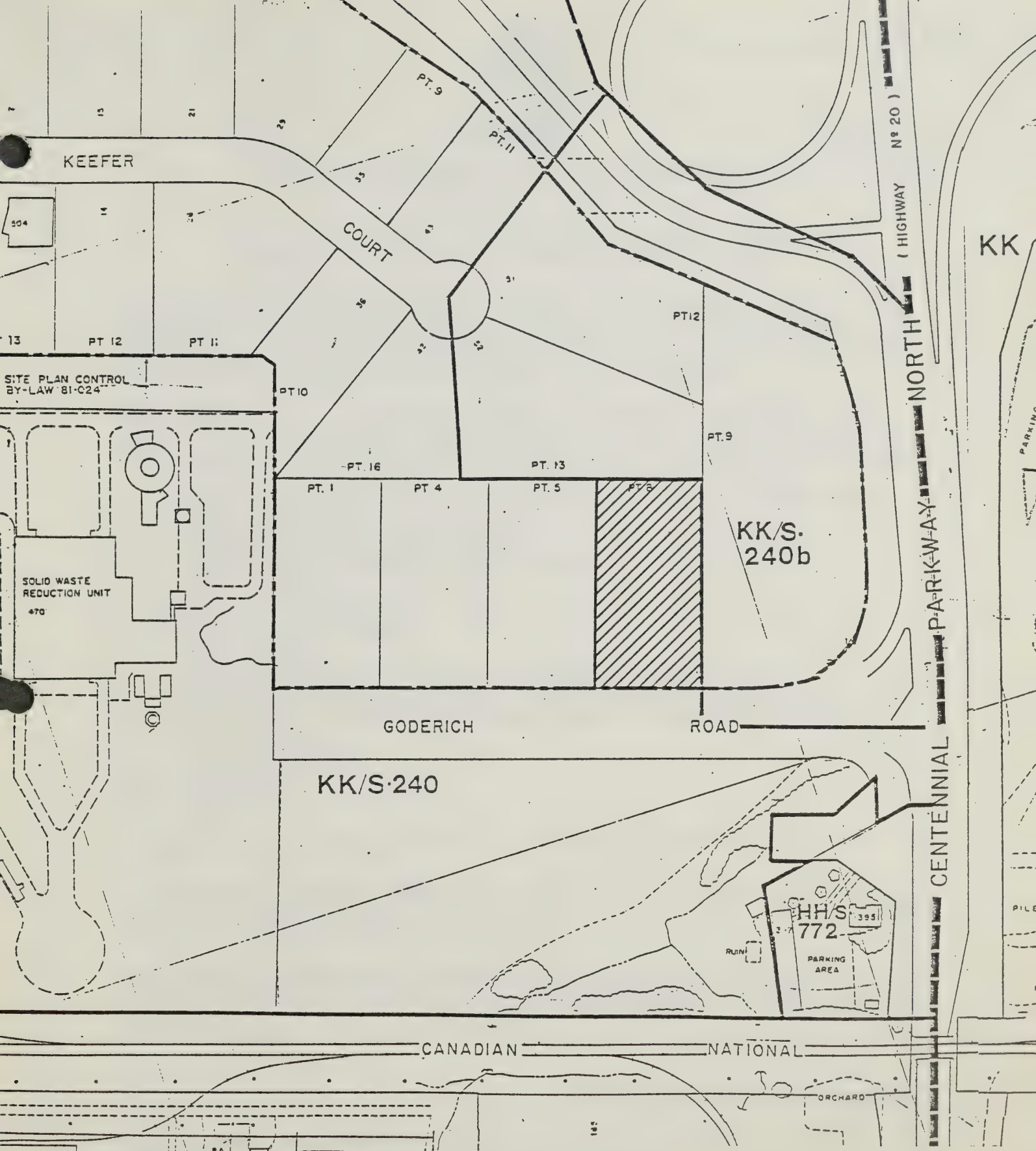
4. The site in question is located within an area subject to the provisions of Site Plan Control By-law No. 79-275. In this regard, matters such as access, parking, landscaping, grading, etc. can be reviewed at the site plan stage of the development.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/jd

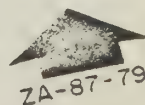
0420P (48-53)



LEGEND



SITE OF THE APPLICATION



ZA-87-79

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL. 527-0241

THE CORPORATION OF THE CITY OF HAMILTON

PLANNING AND DEVELOPMENT COMMITTEE

PUBLIC MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE

Application has been received from Unidevco Property Group Limited, prospective owner, for a further modification to the established "KK" (Restricted Heavy Industrial) District regulations for property municipally known as No. 35 Goderich Road, as shown on the attached map.

The purpose of the proposed modification is to permit development of the subject lands in conjunction with the abutting land to the north and east, for a commercial/retail development, allowing the following additional uses:

1. A hotel, motel and motor hotel, having sealed windows in habitable rooms,
2. A banquet centre,
3. Banks and financial institutions,
4. Business and professional persons' offices,
5. Medical clinics,
6. Medical and dental labs,
7. Lawn and garden centres,
8. Retail stores,
9. Laundry, self-serve laundry, dry cleaner pickup,
10. Barber shop, hairdressing salon, beauty parlour, massage parlour, shoe shine parlour, or other such establishment for personal services,
11. Travel agency,
12. Taxi cab services,
13. Restaurants,
14. Taverns.

The application complies with the City of Hamilton Official Plan.

It is requested that you complete and return the enclosed business reply card indicating your support or opposition to the proposed change. You may also submit additional comments in writing.

The Planning and Development Committee will consider this matter at a Public Meeting to be held in Room 233, City Hall on Wednesday, November 11, 1987 at 3:30 p.m. and you are invited to attend at that time.

Secretary
Planning and Development Committee

For Inquiries, please call
Planning and Development Department
City Hall 526-4445

/jd
October 23, 1987

In the event of a postal interruption, you may deliver the business reply card in person to the Planning Department, 7th Floor, City Hall, 71 Main Street West.

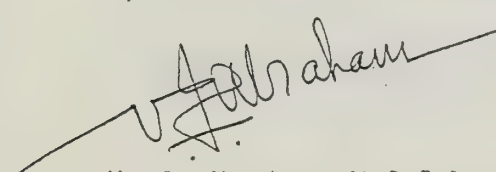
FROM: Planning and Development DepartmentDATE: November 2, 1987TO: Planning and Development CommitteeFile No.: ZA-87-108
STIPELEY
NEIGHBOURHOODSUBJECT

Request for a modification to the "DE-2" (Multiple Dwellings) District regulations for the property located at No. 100 Barnesdale Avenue. The purpose of the proposed modification is to permit the conversion of a three family dwelling for a residential care facility for a maximum of eight (8) people recovering from head injuries.

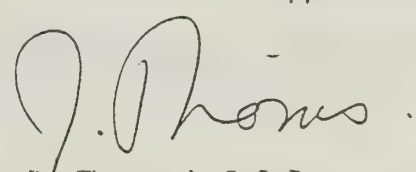
RECOMMENDATION

That Zoning Application 87-108, Hamilton-Wentworth Head Injury Association, prospective owner, requesting a modification to the "DE-2" (Multiple Dwellings) District regulations to permit the conversion of a three family dwelling for a residential care facility for eight (8) persons recovering from head injuries, for the property located at No. 100 Barnesdale, as shown on the attached map marked as APPENDIX "A", be denied for the following reasons:

- 1) There are two existing residential care facilities located within 180 m of the subject lands and several more within 360 m. The intent of the radial separation distance is to avoid an over-saturation of these facilities in any one neighbourhood. Approval of the application would only intensify the concentration of residential care facilities within one area.
- 2) It would set an undesirable precedent for future similar applications.



V. J. Abraham, M.C.I.P.
Director of Local Planning



J. D. Thomas, M.C.I.P.
Commissioner
Planning and Development Department

APPLICANT

Hamilton-Wentworth Head Injury Association, prospective owner.

LOT SIZE

- o 17.84 m (58.5 ft.) of lot frontage;
- o 28.17 m (92.41 ft.) of lot depth; and,
- o 502.55 m² (5,406 sq. ft.) of lot area.

LAND USE AND ZONING

<u>Subject Lands</u>	<u>Existing Land Use</u>	<u>Existing Zoning</u>
	Three family dwelling	"DE-2" (Multiple Dwellings) District

SURROUNDINGS

To the north	one and two family dwellings	"C" (Urban Protected Residential, etc.) District
To the south	vacant, commercial/residential	"H" (Community Shopping and Commercial, etc.) District
To the east	apartment buildings	"DE-2" (Multiple Dwellings) District
To the west	commercial, two and three family dwellings	"DE-2" (Multiple Dwellings) District "H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN

The subject lands are designated "Commercial" on Schedule "A". Residential uses are permitted within a commercial designation; therefore the proposal complies.

NEIGHBOURHOOD PLAN

The subject lands are designated "Low Density Apartments" in the approved Stipeley Neighbourhood Plan. The proposal does not conflict with the intent of the Neighbourhood Plan.

COMMENTS RECEIVED

- o The Building Department has advised that variances are required.
- o The Traffic Department has advised that:

"The application is satisfactory subject to the provision of off-street parking in accordance with Zoning By-Law No. 6593 for a residential care facility."

- o The Hamilton-Wentworth Engineering Department and Hamilton Region Conservation Authority have no comments or objections.
- o The Regional Social Services Department has advised that:

"I am pleased to support the above application. A group home for head-injured persons is certainly needed in our Region. Further, the planned location is an excellent one because of its proximity to facilities in the City. I urge the Planning and Development Committee to approve this application."

COMMENTS

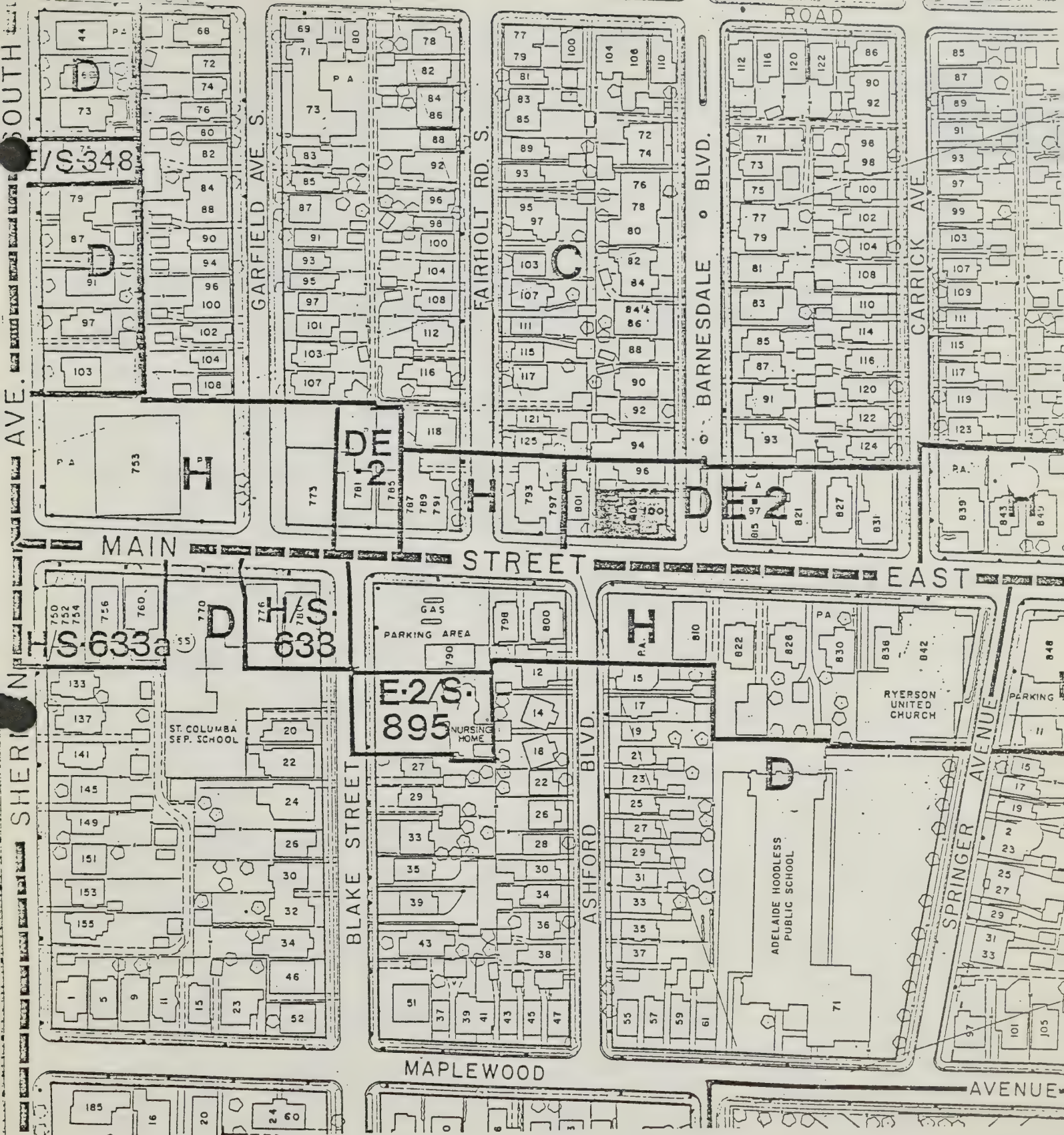
- 1) The proposal complies with the Official Plan.
- 2) The proposal does not conflict with the intent of the approved Stipeley Neighbourhood Plan.
- 3) The proposal cannot be supported for the following reasons:
 - a) There are two existing residential care facilities located within 180 m of the subject lands and several more within 360 m. The intent of the radial separation distance is to avoid an overconcentration of these facilities in any one neighbourhood. Approval of the application would only intensify the concentration of residential care facilities within one area.
 - b) It would set an undesirable precedent for future similar applications.

CONCLUSION

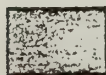
Based on the foregoing, the proposal cannot be supported.

JH/dkp

WP 0021P



LEGEND



SITE OF APPLICATION



APPENDIX A

Re: 100 Barnesdale.

NOV 2 - 1987

16a

- ① We are trying to maintain a decent living area for our families in this area. And to maintain our property value.
- ② We are not against brain injured people but we feel we have enough problems in this area already.
- ③ First of all the apartment complexes on 821 - 823 - 825 Main St. E. are already filled with transient people who care little about our neighbours. They throw their garbage out of the window to the street. The police are always investigating vandalism, drugs & alcohol problems. There are young offenders living there that are on probation for car theft & break & entry. There are people who have dogs confined to these apartments. We deal with this because our family has been here 55 years.
(2 generations)

4) At the foot of both streets is '1-11' - a 24 hour convenience store which ~~also~~ attracts vice squad problems. The garbage from this store is appalling! And the police also frequent here!

5) These brain injured people I hear are in ^{such} dire straits that their families are turned out & looking for an alternate living accommodations. Please - not here!!! We have enough problems!!! I also understand there will be one live-in with these people on the night shift. Totally unacceptable. I as an R.N. know how hard it can be dealing with these people. They may not be violent but may be very docile & innocent. Do you know how busy Main St. E. The cars race down here at 60 mph. There is no back-up for fresh air & exercise at 100 Barnesdale. If by chance these people do any property damage - who could we possibly charge? And in their state of health - what good would it do?

This is not satisfactory for safety & wandering
at night & the safety of our children &
grandchildren.

⑥ Barnesdale & Ashford are beautiful residential
streets & we are trying to raise our children
on them. The families here have an
investment in their property & future.
We are battling with enough
problems here already. It's becoming
a dumping ground. So unfortunately
we are upset in this neighbourhood.
We also feel if this re-zoning is
allowed & the Brain Injury Society
has to sell — what else will go in
there? A home for juveniles?!!
There are homes like yours down
Main St but this is just a little
too close for comfort & we are just not
going to take it anymore. We fought
the 7-11 & failed — we don't need
this. Plus this is an "unsafe" environment
for these people & the value of our properties
will decline!

WE, THE UNDERSIGNED, PETITION THE CORPORATION OF THE CITY OF
HAMILTON, NOT TO GRANT A CHANGE IN ZONING TO ALLOW A CENTRE FOR
PERSONS RECOVERING FROM HEAD INJURIES AT 100 BARNESDALE BOULEVARD.

16a

WE NOW HAVE TWO HEALTH CARE CENTRES CLOSE TO US--ALSO THIS WOULD
DEVALUE OUR HOMES.

NAME	ADDRESS	PHONE
B. Jodinsky	96 Barnesdale Blvd	549-8355
A. Sodiowsky	96 BARNESDALE BLVD.	54-98355
J. King	797 MAIN ST - E	549-6765
John King	82 BARNESDALE BLVD	549-6377
ST. JEROME	82 Barnesdale Blvd	549-6377
Konda Scierko	82 Bondale Boia	
Stanley Salwach	84 Barnesdale Blvd	549-9089
Wayne & Elaine Armstrong	90 Barnesdale Blvd.	545-5050
D. Parns	91 Barnesdale Blvd.	547-3005
Frank Gaudin	85 Barnesdale Blvd.	544-7930
John Gaudin	91 Barnesdale Blvd.	540-2355
J. Hill	96 Barnesdale Blvd	
D. Melnyk	125 FAIRHOLT Rd. S.	545-0481
J. Melnyk	125 Fairholt Rd. S.	545-0481
M. Wojcikowski	72 BARNESDALE BLVD	549-3758
M. Wojcikowski	72 Barnesdale Blvd.	549-3758
J. Wreha	88 Barnesdale BL.	545-9890
Jack Wreha	88 Barnesdale Blvd	545-9890
V. Slicks	827 Main St. E.	545-3911
J. S. Slicks	827 Main St. E.	545-3911
Lesly Shea	76 Barnesdale Blvd.	544-4541
Mark O'Herrish	121 FAIRHOLT RD S	545-0026
Ray Makenne	18 ASHFORD BLVD	547-9470
Pat Smyth	33 ASHFORD	549-3170
Paul Smyth	33 ASHFORD	549-3170

J. Kojan	38 ASHFORD BLVD	547-1023
Liamma M. Monte	19 Ashford Blvd	549-3870
Anthony M. Monte	- 11 -	- 11 -
Andy + Paul Gebel	83 Barnesdale Blvd	545-5379
Gerard + Nancy Parrish	81 Barnesdale Blvd.	549-3319
Sonia + Nicholas Pulica	81 Barnesdale Blvd.	547-9896

16a.

October 28, 1967

T. Boccaccio-Nevitt
39 Blake Street South
Hamilton, Ontario
L8M 2S4

The Corporation of the City of Hamilton
Planning and Development Committee
71 Main Street West
Hamilton, Ontario
L8N 3T4

Concerning the proposed change in the zoning by-law of district DE-2 I am both in favour of and opposed to the proposed change.

As I am currently trying to establish the advocate group "Concerned Friends of Ontario Citizens in Care Facilities" we are in favour of NON PROFIT facilities and there fore opposed to PROFIT facilities for numerous reasons. By the wording in the notice I received. "prospective owner" I am taking it for granted that the proposed facility will be PROFIT and there fore I am opposed.

As a resident of the area and a family member of a head injury patient I am in favour of the proposed change. but I would like to see a chronic (continuing) care facility in this area (NON PROFIT) as this is a nice peaceful residential area. Considering also that there are only two continuing care facilities in Hamilton with exceptionally long waiting lists and having one of the two a facility for senior citizens only makes it even more difficult for those involved.

Sincerely,

T. Boccaccio-Nevitt

T. Boccaccio-Nevitt

2A27-103

October 28, 1967

T. Boccaccio-Nevitt
39 Blake Street South
Hamilton, Ontario
L8M 2S4

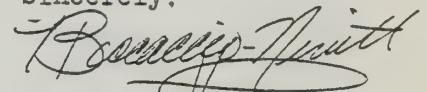
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Sincerely,



T. Boccaccio-Nevitt

PROPOSED CHANGE - MODIFICATION TO THE DE-2 DISTRICT REGULATIONS

PROPERTY DESCRIPTION - NO 100 BARNSDALE BOULEVARD

*correspondence
enclosed*

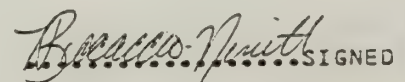
I AM IN FAVOUR OF (✓)

OPPOSED TO (✓) (PLEASE CHECK (V) WHICH)

THIS PROPOSED CHANGE

.....
NEVITT CAMERON OR OCCUPANT
BOCCACCIO TERRI
39 BLAKE ST 2ND
HAMILTON, ONT

L8M 2S4

 SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 526-4445

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]

9/1/82
7/1

The Department of the Interior
Bureau of Land Management
Washington, D.C.
[illegible]

Enclosed for the Bureau are two copies of the report of the [illegible]
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